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OFFICE OF POPULATION CENSUSES AND SURVEYS
SOCIAL SURVEY DIVISION

Matrimonial Property

by
J. E. Todd
and
L. M. Jones

*A survey carried out on behalf of the Law Commission,
among married couples and formerly married people in
England and Wales, establishing the current pattern
of ownership of matrimonial property and the opinions
of those interviewed on some of the fundamental issues
of matrimonial property.*

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MATRIMONIAL PROPERTY

1.0 INTRODUCTION

It is imperative that the results of a survey of this nature are comprehensible to those with survey experience but no legal background, to those with legal experience but no survey background and, most important of all, to those with neither survey experience nor legal background. For this reason the use of technical terms has been kept to a minimum throughout the report.

1.1 Background

This inquiry was undertaken by the Social Survey Division of the Office of Population Censuses and Surveys, at the request of the Lord Chancellor's Office on behalf of the Law Commission.

When the Law Commission was set up in 1965 one of the most pressing problems in the field of family law reform was in connection with the property and maintenance rights of husband and wife. Priority was given to the situation on breakdown of marriage and divorce. Work in this field led to new legislation to protect a spouse's right to occupy the matrimonial home* and to rationalise and extend the court's powers to deal with financial provision for parties to a marriage and children of the family on granting divorce, judicial separation or nullity.†

These reforms did not deal except incidentally with the fundamental question of property rights within marriage, but the Law Commission has now published a Working Paper on Family Property Law‡. The need for a detailed examination of family property law is explained in the General Introduction.

The basic structure of that law has remained unaltered since 1882 when for the first time married women became entitled to own and manage property. Since that date the law has regarded husband and wife as two separate individuals, each with independent powers of ownership and management of property. With few exceptions there are no special rules governing the property relations between husband and wife. When a dispute arises the ordinary laws of property are applied.

Many property disputes between husband and wife require the court to examine in great detail whether either spouse made a financial contribution to a particular item, and if so how much was contributed, for at present ownership depends largely on the extent of contribution. Often, for example, an item of property is in the name of one spouse, but the other spouse feels that he or she has an interest in that property because of a contribution. Using the wife's situation as an illustration, there are three main ways in which she may feel that she has contributed towards property such as the house, or the car, or the savings:

*The Matrimonial Homes Act 1967.

†The Matrimonial Proceedings and Property Act 1970.

‡Working Paper No. 42: *Family Property Law*, published on 26th October 1971.

- (i) she may have earnings or money of her own which went directly towards the purchase of property, e.g. to meet mortgage or hire-purchase instalments.
- (ii) she may have used earnings or money of her own for other family expenditures thus enabling the couple to acquire property with the husband's money.
- (iii) she may have worked by looking after the home and family, and feel that her effort has helped to make the acquisition of property possible.

In a dispute about the property the courts have to decide what payments by a spouse or work done by a spouse should be regarded as a contribution giving rise to rights of ownership and how, on the basis of the contributions, the property should be divided. Complaints about the present law are that there is no clear cut rule as to what is recognised as a contribution to the acquisition of property, and even if there were, in any given case it might involve litigation and expense to decide the extent of a spouse's contribution. Further, it is said that the law is unfair, since it attaches very little importance to a spouse's work in caring for the house and family in deciding ownership rights. The law makes no allowance for the fact that a married woman seldom has the same opportunity as her husband or as a single woman to earn and to acquire property. The law thus ignores a common family situation.

In contrast with England, which has few special rules governing the property relations of married persons, some other countries have detailed laws governing the ownership of property within marriage. For example, many continental countries have systems of law under which a husband and wife must share their property, or some of it, equally.

The details of the systems classified generally as community of property systems vary enormously from one country to another. Under some traditional systems the spouses' property was merged into a common fund, usually managed by the husband. In modern systems the sharing is often postponed until the end of the marriage by death or divorce; during the marriage the spouses have independent powers of ownership and management as in England. In some cases a spouse is entitled to retain property owned before marriage, or property acquired by gift or inheritance during marriage. The common feature of these systems is that at some stage they require the marriage partners to share certain of their property.

Where a system of community of property exists it is always possible at the time of marriage for the parties to agree to opt out of the community system and arrange things individually. Conversely, in England and Wales, it is possible legally to arrange joint ownership of property, but here the onus is on the individual couple to arrange it for themselves, and it would generally have to be done separately for each item of property, e.g. the house, the bank account, the savings account and so on.

Community of property is not the only method used by other legal systems to ensure sharing of property between husband and wife. In some countries, for example Scotland, a widow or widower is entitled as of right to inherit a certain part of the estate of the deceased spouse.

The legal questions put forward for discussion by the Law Commission in their Working Paper include the issue of whether some form of community of property or legal rights of inheritance in marriage would be a better basis for

property law than our present law. Another possibility considered is whether the matrimonial home should be regarded in law as shared by the spouses. Before making a final decision as to whether any changes should be made in the law, and, if so, whether any of the above possibilities would be desirable, the Law Commission was anxious to know more about how the current system operates.

It was therefore requested that a survey should be carried out among married couples and formerly married people. Such an inquiry would provide otherwise unobtainable information on the way people arrange their property and financial affairs during marriage, how much they know about the present law and their attitudes both toward the present law, and towards some of the basic propositions being considered for possible changes in the law.

The request for this survey was made in the summer of 1970, the inquiry was designed and tested during the autumn, and the main interviewing was carried out in February and March 1971. The Law Commission's Working Paper No. 42 was published on 26th October 1971.

1.2 The Social Survey Division Office of Population Censuses and Surveys

The Social Survey Division is the government agency for carrying out surveys in the economic and social field. It was once a separate government department but recently has been amalgamated with the former General Register Office to form the new Office. Work is carried out for government committees and commissions in addition to permanent departments. The surveys requested cover a very wide range of topics; health, welfare, housing, education, employment and motoring are fields which are frequently involved. The present inquiry is, however, the first that has been carried out for the Lord Chancellor's Office.

Our work normally involves obtaining information, by interview, from a sample of people relevant to the study. The samples are usually national in character and can involve either the general public as a whole or subsections such as boys leaving school, people with current driving licences, the elderly and so on.

Since Social Survey Division is continuously organising and launching survey projects on a national scale, it maintains the resources necessary for such large scale operations. These involve a large field force of trained female interviewers and specialist facilities for sampling, coding and computing, as well as staff with responsibility for the design and completion of each project. Full reports of the projects undertaken are normally published in the departmental series.

1.3 The design of the inquiry

Without some knowledge and understanding of the methods used in a survey it is very easy to misinterpret or misunderstand the results. The surveys we do are sometimes based on England and Wales and sometimes on Great Britain, depending on which is relevant for the study in hand. The basis for this study was England and Wales since Scotland has a different legal system.

In many ways the subject of matrimonial property is relevant to the total population. Married couples are currently affected by it, formerly married

people have been affected by it and most single people will be affected by it in the future.

It was decided that the resources available would be used best by limiting the inquiry to those who have had some experience of marriage. There were two reasons for this decision; firstly, one of our main objects was to provide information about the current situation; and secondly, it would be very difficult to ask single people their opinions about a state which they had never experienced and for the most part had not thought about realistically.

Ideally to obtain a national random sample of married and formerly married people one would like to have a comprehensive, up to date list of all their names and addresses. This is not, of course, available. The selection of the sample to be interviewed was therefore dependent on what listings were available. The most comprehensive list of the population of England and Wales is to be found on the Electoral Register. This lists people and their addresses. It is possible to select two kinds of sample, a sample of named people, or a sample of addresses, whichever is appropriate. Institutional addresses, and the people within them, were excluded. For this survey we selected a national random sample of 3325 private addresses.*

The interviewers were required to interview all the married couples and all the formerly married people who lived at the selected addresses. Interviews were carried out in the home.

In some cases the interviewer found that she had more than one interview to carry out at one address. If a young married couple were living with in-laws then there were two married couples to interview. Where a widow was living with a married son or daughter there would also be two interviews to carry out. In these circumstances the interviewers tried to arrange it so that only those concerned with each interview were present at the time of interview.

Married people, who formed the great majority of our sample, can be thought of in two ways; as individuals who are married, or as couples who are married to each other. So one could sample them in either way. Since the subject of the survey was how married people arranged their affairs we considered that it would be indelicate to select a sample of individuals and then ask questions which involved the other partner. The unit we decided to select was therefore the couple. It would similarly be indelicate to then try and interview them separately. So the design was to select married couples and interview them together. From the point of view of obtaining factual information this ensured

*** The Sample Design.**

We used a two stage design with parliamentary constituencies as first stage units. We stratified all constituencies by standard region and then selected 130 with probability proportionate to the electorate. Within these 130 constituencies we selected electors with inverse probability proportionate to the electorate, thus maintaining an equal overall probability of selection. Since the Electoral Register is a list of electors one obtains from it a sample of electors but we wanted a sample of addresses, from which we were to take as eligible the married and formerly married. Every elector in the register has his address listed. Thus any particular address appears in the register as many times as there are electors living at it. One cannot therefore simply take all the addresses of the electors selected since those with more than one elector would have a greater chance of being selected and this would cause bias. To deal with this situation we use a system of including in our sample of addresses only those for which the elector was the first person in the Register at that address; this is a self-weighting system which avoids bias. It is of course necessary initially to select a much larger sample of electors than the number of addresses required in order to carry out this deletion process and still have the required number of addresses.

In the second stage addresses were selected from throughout the constituencies concerned. Thus the distance between the addresses that the interviewer had to visit were quite considerable.

that whichever partner dealt with the matter was present to answer, but from the point of view of obtaining opinions the presence of both partners obviously created serious problems, a point to which we return later when talking about the questionnaire design.

In addition to the problems associated with conducting the interview itself there were two other disadvantages in wanting to interview the couple together. Firstly arranging a mutually convenient time to interview two people together is much more difficult than one at a time, and secondly since we were defining the couple as the unit concerned, an interview would take place only if both of them were willing to co-operate. These two factors made co-operation more difficult to obtain. Nevertheless we felt that the subject matter of the survey necessitated this approach. There were some exceptional circumstances in which we accepted interviews from one spouse only, but not where we knew there was some unwillingness to co-operate on the part of the other spouse. For example, an interview would have been accepted where a wife was married to a merchant seaman who was away throughout the period of the fieldwork; or where one spouse was deaf, or ill, but prepared for the interview to be held with the other spouse on behalf of both. In some situations such as shift work, or heavy business commitments it was nearly impossible to arrange a joint interview. In these cases, if the interviewer had tried many times and the fieldwork period was nearly at an end she was allowed to interview one spouse. In these situations we obtained the factual information for the couple and the opinions of the spouse who was interviewed.

In this inquiry it was the subject matter itself which created the most problems. When an interviewer contacts someone she wishes to interview she explains, to that person, who she is working for, what survey she is doing and the general purpose of the study. She then goes on to explain the random nature of selection of the sample, that co-operation is voluntary and very valuable, and that the information given is confidential.

On this survey it was not easy for the interviewer to explain the general purpose of the survey. If the word property was used it tended to be too narrowly interpreted, yet there was not a good alternative. Legislation about matrimonial affairs was often associated with the breakdown of marriage and it was difficult for the interviewer if the person assumed that matrimonial breakdown would be the central issue of the interview. If approached from the angle of how people arranged their affairs then the assumption was often that the interview would be involved in detail with money matters. Another difficulty was to get across to the person, in the introductory situation, that we were interested in the way in which things were arranged rather than the details of the arrangements.

Once the interview began hostility to the subject vanished, for our range of interests became clear from the questions. In fact interest in the content of the questions was very high, but this did not assist in the initial problem of the introduction. We anticipated that because of the difficulties of the introduction we would not achieve as high a level of co-operation as on some other topics, and that this survey would be about comparable with those that dealt directly with money matters. This proved to be so.

In this inquiry we used two different questionnaires, specially designed for the survey, one for married couples, one for formerly married people. Less detailed information was collected about the arrangements of the marriage when interviewing people whose marriages had ended, although the same range

of opinion questions was asked. In this kind of inquiry the interviews are highly structured, both the wording of the questions and the order of the questions being fixed as on the questionnaires. These documents thus provide the basis of all the results and are reproduced in full in the appendix.

As mentioned earlier the most difficult problem in terms of the interview, once it had started, was obtaining the opinions of each spouse, in the presence of the other, on the subject of matrimonial property.

The interview started with factual questions about the length of the marriage and the matrimonial home. For these questions we did not mind which partner answered. We suggested to the interviewers that they should initially ask the husband and then address subsequent questions on that topic to the partner who took up the answering. Although controlling an interview with two people always presents problems, the factual questions presented the least difficulties. It was not till we got to the knowledge questions and the opinion questions that we needed to obtain an answer from each partner. Knowledge questions in any interview are liable to be difficult because the informant may feel guilty if he does not know the answer. Such questions are often disrupting to the interview for the informant may want to know whether his answer was correct, or if he did not know he may want to know what the answer is. To help the interviewer, and the informant, we provided a leaflet which covered all the knowledge questions. This enabled the interviewer to tell the informant that she had a leaflet which provided the details he required and that she would leave it with him at the end of the interview.

With regard to getting independent answers from the partners, one method of achieving this is to have cards which give a range of possible answers to a question, each possible answer numbered or lettered. With two sets of cards, one for husbands, one for wives, using separate codes one can obtain some measure of independence. This is a fairly difficult and time consuming way of asking questions and can only be done if the range of answers can be specified fairly simply. If one wants to record unprompted answers then there is little alternative but to have one spouse hear what the other says. One thing that can be controlled of course is which spouse is asked the question first. In order to stop the most responsive spouse always taking the lead we indicated on the questionnaire who was to be asked first for each question. Although this took up valuable space on the questionnaire it simplified the interview situation for the interviewer.

There is a limit to the number of cards that can be used in an interview, so we had to strike a balance between how much of the interview could be carried out using cards and getting independent answers, and how much would have to be done with the answers known but the order of asking pre-determined.

Many of the people interviewed were stimulated by the topics discussed. It was evident that although they were not used to thinking about such matters they considered the issues as deeply as was possible in the interview situation. For married couples the interview took roughly an hour and a half. With formerly married people it took a little less time as the questionnaire was shorter and there was only one person to interview. In cases where the people being interviewed became very involved with the issues the time taken was much longer.

Before a survey is launched as a national study it is tested in miniature. Depending on the complexity of the project several tests of different natures

may be carried out before the main fieldwork. The last of the tests is usually effectively as close as possible to a dress rehearsal. There are two main purposes to such a pilot. Firstly to test the full procedure that is to be carried out, and secondly, on individual questions, to obtain an indication of the range of answers that will arise. It may then be feasible to introduce some codes onto the questionnaire for the interviewer to use and thus reduce the amount of verbatim recording that she has to do. In addition the pilot may show that questions are being misunderstood, in which case some of the design may have to be changed before the main fieldwork.

The main fieldwork took place in February and March 1971. It was unfortunate that the launching of the project coincided with the Post Office strike because this made communication with the interviewers very difficult. Consequently interviewers who initially found it difficult to explain the survey to the public were not in such close contact with headquarters as usual, and some delay occurred in discussing their problems. This no doubt contributed to some extent to a lower than normal response rate. However, the basic reasons for the level of response achieved were inherent in the subject matter, and the fact that because of the subject matter we felt we had to interview married couples together, and only when both agreed to be interviewed. As far as the formerly married were concerned response was lower still. Here we had an acute problem with aged widowed people and also people who had experienced the end of a marriage and did not wish to talk about it. The details of the initial sample and the response achieved are given below. In the kind of situation where preliminary information is obtained in order to establish eligibility some contact is made in nearly all cases. Where interviews are not subsequently achieved this cannot be through non-contact since contact has already been made. The losses are therefore mostly classified as refusals.

Response		
Total sample of addresses		3325
	%	
Ineligible addresses		
(i) Empty, demolished, institutional	3	
(ii) No married or formerly married persons	8	
Eligibility not ascertained	1	
Address known to be eligible	88	2973
	<u>100</u>	
Number of interviews required from addresses known to be eligible		3215
Married couples		2371
Formerly married persons		844
	Married couples	Formerly married persons
	%	%
Interviews achieved	80	71
Not	20	29
	<u>100</u>	<u>100</u>
Base	(2371)	(844)

There were, as described earlier, some exceptional circumstances in which interviews were conducted without both spouses present. This only happened with 6% of couples.

	Interviewed married couples %
Both interviewed together	94
Both interviewed but at different times	1
Husband only interviewed	1
Wife only interviewed	4
	<hr/>
	100
Base	(1877)

All the interviews have been included in the results; where a spouse was not interviewed then the individual opinion questions have been treated as having no answer.

Once the interviews have been completed the questionnaires are assembled at the head office. The information given has to be processed into a form that is manageable for analysis. Some of this processing has in fact already been carried out during the interview when the answers could be coded straight away. For example when determining whether either or both partners had previously been married all possible answers could be foreseen and the layout of the questionnaire enabled the interviewer to code the position. For such a question all that has to be done at head office is a check that a code has been ringed and in some circumstances a check on consistency. Only the most straightforward situations can be dealt with in this manner. Where all eventualities cannot be foreseen then at least some and maybe all the answers are recorded verbatim. A coding process is then required to group these verbatim answers into ones expressing common ideas. The more complicated the subject matter, and the more open the questions the more difficult is the process. The organisation of this process is usually carried out by a supervisor, with a group of coders, working in collaboration with the research officer. Compared with the number of interviewers involved in collecting the information the number of coders who work on it is small. So although coding is a full time desk job, without the problems of getting to obscure places, finding people at home, and only working part time, the period that is necessary for coding a survey is considerable if it has an appreciable number of verbatim answers.

When the coding is completed, including checks on consistency and completeness then the data is punched on cards ready for input to the computer. The department has its own survey programme which covers a large proportion of the needs of any project. Special programmes are written and used in conjunction with the general programme for any extra requirements.

The results of the survey are analysed separately for married couples and formerly married persons, and drawn together for comparison towards the end of the report.

PART I MARRIED COUPLES— THE CURRENT SITUATION

It is obvious that 1877 interviews lasting on average an hour and a half per interview produce a large quantity of detailed information. It is difficult to absorb the detail of the results without some overall guide to the general situation with regard to married couples and their matrimonial property. To put the results in their proper perspective we initially present an outline of the situation as we found it in the spring of 1971.

2.0 A PROFILE OF MARRIED COUPLES AND THEIR MATRIMONIAL PROPERTY

We accepted as eligible for interview all couples who were said to be married to each other. In a few instances, one per cent of the sample, the interview revealed that the couple were not legally married to each other. In these cases the interview was completed, but with the date the couple set up home together being taken as the 'marriage' date.

For 89% of couples the current marriage was the first marriage for both partners. In 3% of cases both the husband and the wife had been married before, in 4% of cases only the husband had been married before and in a further 4% of cases only the wife had previously been married.

2.1 The matrimonial home

Setting up home is a major undertaking for all married couples, and topics relating to this formed a large part of the interview. First we considered the tenure of the matrimonial home; 45% of couples rented their accommodation, 52% were owner-occupiers, and the remaining 3% were not themselves responsible for their home (most of these couples were living with relatives).

(a) *Couples who were renters* (45% of all married couples)

The majority of renters (62%) had their tenancies with a local authority, 11% had tenancies with employers or relatives and 27% had tenancies with other landlords.

We asked the couples who were renting whether they had ever previously been owner-occupiers; 7% had and 93% had not. The group of renting couples thus contained only a small number who had any experience of home ownership during marriage.

We were interested to know how many renters might have a saleable asset in respect of their dwelling so we asked whether or not they had a written lease. Only 4% had a written lease of any kind.

Another aspect of interest was whose name the tenancy was in. A tenancy in the husband's name was by far the most common situation; 82% of tenancies were in the husband's name, 3% were in the wife's name and 14% were in joint names. In a few cases the tenancy was in the name of someone other than the couple.

We asked the couples with tenancies in joint names why they had rented their accommodation this way and 80% said the landlord had suggested it. In many cases the landlord concerned was a local authority. The only other reason mentioned at all frequently was that it provided security for both partners. This was mentioned by 24% of couples with tenancies in joint names. The concept that marriage is a partnership and it was therefore right for the matrimonial home to be in joint names was mentioned as a reason by 9% of couples with joint tenancies.

It is obvious that the overwhelming influence on taking a tenancy in joint names was the attitude of the landlord.

We asked the couples with a tenancy in one name only whether they had ever discussed having it in joint names. The vast majority (90%) said they had not. Only 4% had discussed it. The other 6% had not even considered a joint tenancy because they felt their landlords would not have agreed to it.

We were interested to establish whether the couples who had never discussed having their tenancy in joint names knew that in many cases such a thing was possible. Among the couples who had not discussed it 64% did not know that it was possible. In 20% of cases both the husband and wife knew of the possibility and in 16% of cases one or other of them knew.

(b) *Couples who were owner-occupiers* (52% of all married couples)

We asked the owner-occupiers whose name their accommodation was in. Just over half (52%) of couples had their accommodation in joint names*, in 42% of cases the accommodation was in the husband's name and in 5% of cases in the wife's name. In a few further cases joint ownership was not between the couple but between one spouse and another relative e.g. father and son.

As with renters, if the accommodation was in one spouse's name it was usually in the husband's name, but in contrast to renters a large proportion of owner-occupiers had their accommodation in joint names.

We asked all owning couples whether they had ever had any advice about joint ownership; about a quarter of them had and about three quarters of them had not. We examined this further to see whether those who had had advice were more or less predominantly joint owners.

Advice about joint ownership

	Received some %	Had not %	All %
Joint owners	78	42	52
Non-joint owners	22	58	48
	<hr/>	<hr/>	<hr/>
Base	100 (269)	100 (709)	100 (978)

The couples who had had advice were more predominantly joint owners than those where no advice had been received. We asked all of the couples who said they had had advice who had given it. Some couples had received advice from more than one source.

* Thus the proportion of all married couples with the home (either rented or owned) in joint names was 33%.

**Advice received about
joint ownership from:—**

Couples who received advice

	Joint owners	Non-joint owners
Solicitor	57%	57%
Estate agent	5%	3%
Building society	13%	7%
Accountant or bank manager	6%	3%
Relatives	17%	17%
Friends	7%	10%
Base	(209)	(60)

The sources of advice occurred with the same frequency among those who did and those who did not have their property in joint names. The outstanding source of advice on this matter was the solicitor, 57% of couples obtaining advice did so from a solicitor. We have already seen that a much higher proportion of those who had received advice had their property in joint names; it is obvious that the solicitor has a significant role in determining the pattern of ownership for the matrimonial home.

We were interested to know from joint owner-occupiers what their reasons had been for putting the accommodation in joint names. Some couples gave more than one reason for their actions. The six most common reasons are shown below. The most frequently mentioned reason was the benefit of automatic transfer of ownership to the survivor if one spouse died. Other reasons given were a belief in the jointness of marriage, the fact there had been contribution from both spouses, that there were death duty advantages, that it provided for security and protection of both parties, or that they followed professional advice.

Reasons given for having joint-ownership

Automatic transfer on death	51%
Belief in jointness of marriage	30%
Contribution by both spouses	25%
Death duty advantages	25%
Security and protection for both parties	14%
On professional advice	14%
Base	(509)

Among the owner-occupiers who had their accommodation in one name only we were interested to know who they felt it belonged to, for as stated earlier, in most of these cases the property was in the husband's name. We asked each of the partners in turn whether they regarded the accommodation as belonging to the husband, to the wife or to both of them. The vast majority of husbands, and the vast majority of wives, 87% in each case, thought of the accommodation as belonging to them both, even though it was legally in one name only. Later we look in more detail at the factors which influence the pattern of home ownership (section 12.1).

We asked the one name owner-occupiers whether they themselves had ever discussed having their accommodation in joint names. A few couples thought it was not possible for them but most (69%) had not discussed it; 29% of the couples had discussed it.

It would have been unproductive to pursue the issue with people who had not discussed it, so in any further questions we were limited to the 29% of one-name owner-occupiers who had discussed joint ownership. We asked these couples why they did not have their accommodation in joint names. Some couples gave more than one reason. The most frequent reason given, by 36% of these couples, was that they were satisfied with the arrangement they had. Some couples (20%) said that they had discussed the question after the time of buying their accommodation but that at the time of purchase they had not known about it or thought about it. Some couples (20%) said that they had not been able to have joint ownership for such reasons as the wife being a minor at the time of purchase, the purchase being made before the marriage, or the couple believing that joint ownership would have affected the mortgage arrangements.

Main reasons given for not having joint ownership
(by those couples who had discussed it)

Satisfied with present arrangement	36%
Did not think (know) about it at time of purchase	20%
Not able to at time of purchase	20%

During this part of the interview 39% of one-name owner-occupiers who had discussed joint ownership commented on their future intentions; 27% said they were planning to change to joint ownership (this comment was often made where a move was already planned), and 12% said that, although they liked the idea, they were not planning to change because of the cost involved. These results suggest that it is very unlikely that any steps will be taken to change the type of ownership except in the circumstances of a new purchase. Meanwhile any discussion by the couple, about joint ownership, is really rather academic.

2.2 Household goods

With respect to household goods ownership is much less formal than is the case with the home itself. It was not possible therefore to collect the same kind of information about the contents. Nevertheless a good deal of effort and expense goes into accumulating household goods such as furniture and fittings, and other large household items such as vacuum cleaners, refrigerators, washing machines and so on. Another acquisition which may be complementary to or in competition with these household goods is the car. Since it is closely connected with everyday living we have considered it along with the contents of the matrimonial home.

As mentioned above the approach to information about the contents of the matrimonial home had to be less direct, as the ownership pattern was not laid down so formally. We asked the couple whether they owned the various types of goods we were interested in. If they did we asked each spouse in turn whom he or she considered the items belonged to, the wife, the husband, or both of them. It was possible in these questions for a spouse to give more than one answer; for example when talking about furniture it was quite realistic for a wife to say that some furniture belonged to her, some to her husband and some

to both of them. We present the results about the contents of the matrimonial home in three broad groups, the car, the furniture and fittings, and other large household items.

(a) *The car*

Since we were concerned with ownership and not use, cars which were owned by employers, or other family members, or friends were excluded. Of all the married couples we interviewed 59% owned at least one car. A few had more than one car and could therefore give more than one answer to the questions about cars.

Among the couples who owned cars the wives had the following views about ownership; 62% thought of the car as belonging to both the husband and the wife, 7% thought of the car as belonging to the wife and 37% thought of it as belonging to the husband. Thus for nearly two thirds of couples with cars the wife felt that the ownership was shared.

Husbands felt slightly differently about the matter, 72% thought of it as belonging to both of them, 6% thought of it as belonging to the wife, and 27% thought of it as belonging to the husband. Husbands were more disposed to think of the car as shared than were the wives.

There was, overall, a strong feeling that the car was an asset which belonged to both spouses. In chapter 3 further information is presented showing whether the wife contributed towards buying the car or not.

(b) *Furniture and fittings*

Virtually all couples owned some furniture and fittings. With regard to these, husbands and wives held similar views: over 95% of them considered that at least some of the furniture belonged to them both. In fact in most cases this was how they felt about all of the furniture. In very few instances, fewer than 3% of cases, did either husbands or wives feel that some furniture belonged to them individually.

(c) *Other large household items*

As with furniture and fittings virtually all couples owned some other large household items, e.g. cooker, refrigerator, vacuum cleaner, washing machine etc. Again nearly all husbands and wives viewed at least some of these items as belonging to them both. In contrast to the way they felt about furniture both husbands and wives felt that some of the large household items belonged individually to one spouse. Among wives, 48% felt some of the items belonged to themselves and 30% thought some items belonged to the husbands. The same sort of picture was revealed by the husbands' answers.

To summarise, among the couples who owned cars the predominant feeling was that it belonged to both of the couple but there was a considerable group (37% of wives and 27% of husbands) who felt the car belonged to the husband. Most couples had some furniture and large household items. Nearly all couples considered that at least some of these possessions belonged to them both jointly, but there was a feeling that certain items belonged to individuals. This feeling appeared to relate less to furniture and more to such pieces of equipment as washing machines, tools and so on.

2.3 Money affairs in marriage

We were, throughout the survey, concerned with how and why married couples arranged their affairs in their particular way and in the context of the survey it was obvious that some of the questions would have to be about money matters. The general public are seldom unwilling to give information if they can see that the questions are relevant to the subject. The fact that few people were reluctant to give the information indicates that most people understood the relevance of the financial questions.

As with the questions about the matrimonial home those relating to money matters could be fairly precise, for formal arrangements are made for carrying out financial transactions. The range of money matters that we covered included current bank accounts, savings and savings accounts, insurance, investments, property other than the matrimonial home, businesses and other property considered to be of value.

(a) *Current bank accounts*

Among the married couples interviewed 53% had at least one current bank account, and 47% did not have a current bank account.

Of those couples with current accounts 40% had at least one account that was in joint names* and 60% had individual accounts only. The detailed distribution of how accounts were held is shown below.

Type of account held	Couples with bank accounts
	%
Couples with only individual accounts {	
Only husband has account	36
Only wife has account	6
Husband and wife each have accounts	18
	} 60
Couples with joint accounts {	
Only joint account(s)	33
Joint account but also individual accounts	7
	} 40
	100
Base	(998)

We asked those with joint accounts what had been the main reasons for having an account of this kind, and 63% of couples replied that the convenience and ease of withdrawal from a joint account was one of the main reasons. The next most common reason, given by 34% of couples, was an expressed belief in jointness in marriage; 22% of couples mentioned the advantages of such an account in the event of the death of one of the partners.

Main reasons for having a joint bank account

Convenience and ease of withdrawal	63%
Belief in jointness in marriage	34%
Advantages in case of death of one partner	22%

* Thus taking all married couples together 21% had joint bank accounts.

The predominant factor associated with having a joint bank account was thus a very practical one, that is, the current availability of the money to each spouse.

We asked those couples who had a current account but did not have one in joint names whether they had ever discussed having a joint account; 32% said they had and 68% said they had not.

We pursued the issue a little further with those couples who had discussed joint bank accounts, by asking them why they had not opened one. The most frequently given reason (43% of couples) was that it was easier to keep track of financial affairs with an individual account, 26% of couples said it just did not seem necessary for them, 11% said that having an individual account was the way they had begun their marriage. In 7% of cases the couple said that they had tried a joint account but had given it up because it did not work out.

Reasons for not having a joint bank account, given by couples who had an individual current account but had at some time discussed having one in joint names.

Easier to keep track of an individual account	43%
Did not seem necessary for them	26%
Began marriage with individual accounts	11%
Tried it but it did not work	7%

It is interesting to note that the major reasons given in favour of and against joint current accounts are things that affect the couple today, the ease of drawing money versus keeping track of financial affairs. If we compare these reasons with those given for and against having the matrimonial home in joint names they will be found to be rather different. Perhaps this is due to the fact that whose name the house is in is a long term arrangement which has no practical effect till the end of the marriage, whereas the type of bank account the couple has affects current money matters.

(b) *Savings*

Savings were defined as those types of accounts which can be started with small deposits such as a building society account or Post Office savings account, or the kind which can be accumulated in small quantities, such as premium bonds.

Savings as defined above were held by 87% of all married couples. Among those couples who had savings of this kind 28% had some savings in joint names, 74% had some in the husband's name, and 77% had some in the wife's name.

(c) *Insurance*

Although insurance is a very difficult type of asset to quantify we felt it should be included since it was one method of providing security for the future. We found that 83% of married couples had some life insurance, and 17% did not. Among those couples who had insurance 95% of husbands had at least one policy in their name, and 63% of wives had at least one in their name. Many of these policies were small in nature and difficult to assess, for many of them had no value except on death.

(d) *Investments*

This group of assets included unit trusts, property bonds, stocks and shares and so on. Only 13% of married couples had assets of this kind. Among those who had, 11% had some that were in joint names, 74% had some in the husband's name and 37% had some in the wife's name.

(e) *Property* (other than the matrimonial home)

Ownership of property, buildings or land, other than the matrimonial home was even more uncommon, only 6% of married couples owned this kind of property. Of those who did 18% owned some property jointly, 66% owned some in the husband's name and 22% owned some in the wife's name.

(f) *Businesses*

We asked married couples whether they owned businesses of any kind and 9% said they did. There was a very considerable range of businesses included, some involving large capital and some involving very little. Of the couples who said that they owned a business 20% said they owned it jointly, 74% said it was in the husband's name and 7% said it was in the wife's name.

(g) *Other property of value*

It was impossible to cover within the groups specified the whole range of assets that a couple could have, so we asked whether the couple had anything else which they regarded as an investment for the future which had not already been mentioned. The types of property recorded here were collections of things felt to have value, boats, caravans and vintage cars. There were 8% of couples who considered they had additional assets of this kind. Among these couples 9% considered the assets to be jointly owned, 79% considered the husband as owner and 25% considered the wife to be the owner.

(h) *All the savings and assets* (b)–(g)

We accumulated all the information about whether the savings, investments, insurance, other property, businesses and other things of value were in the husband's name, the wife's name, some in both names or joint names. This gave us an overall picture of the ownership pattern for these kinds of assets.

All the savings and assets

(excluding the matrimonial home and current bank account)

Pattern of ownership

	%
None owned	3
In husband's name only	7
In wife's name only	4
Some in both husband's and wife's names	57
Some in both husband's and wife's name and joint names	22
Some in joint names, sometimes also in one spouse's name	7
	<hr/>
Base	100 (1877)

Thus the vast majority of husbands and wives had some savings or assets in their name, 10% of wives and 7% of husbands had no savings and assets in their names. For the majority of couples (57%) both individuals had savings and assets in their names but did not own any of these things jointly. A further 22% owned some things jointly as well as having some savings or assets in each spouse's name individually.

In summary the situation with regard to money affairs in marriage was that most couples had some (small) savings and most had some life insurance. About half of married couples had a current bank account. A much smaller proportion of couples had assets of the other kinds, i.e. investments, other property and businesses. Ownership in joint names occurred more frequently with current bank accounts than with any other kind of financial asset discussed.

2.4 Combinations of property within marriage

So far we have talked about various types of matrimonial property but have discussed them individually. In this section we examine the combinations of the types of property owned. As shown earlier nearly all married couples had some furniture and some other large household items, most also had some life insurance. Since these three kinds of property were so frequently owned they have been excluded from the analysis.

The items of property that were included were small savings, a car, a current bank account and the matrimonial home.

Combinations of property within marriage

The couple owned:—

Proportion of
all married
couples

Small Savings	A Car	Current Account	The Home	%
—	—	—	—	5
—	—	Yes	—	1
—	—	—	Yes	1
—	—	Yes	Yes	1
—	Yes	—	—	2
—	Yes	Yes	—	1
—	Yes	—	Yes	—
—	Yes	Yes	Yes	2
Yes	—	—	—	15
Yes	—	Yes	—	5
Yes	—	—	Yes	7
Yes	—	Yes	Yes	6
Yes	Yes	—	—	9
Yes	Yes	Yes	—	10
Yes	Yes	—	Yes	7
Yes	Yes	Yes	Yes	28
				100
Proportion of all couples who own each type of property	87%	59%	53%	52% (1877)

Thus 5% of married couples owned none of the four types of property shown on the table. At the other extreme 28% of couples had some small savings, a car, a current bank account and the matrimonial home. Among this group of couples who owned all four types of property we investigated whether or not they also owned assets such as investments, other property or businesses. The 28% was thus divided into two groups, 16% did not own additional big assets and 12% did. Thus of all the married couples interviewed 12% owned some small savings, a car, a current account, the matrimonial home, and some other large assets.

2.5 Value of property within marriage

The simple measure of whether couples own various possessions goes part of the way but not all the way in describing their property situation. The value of the property may vary considerably. Value is a very difficult thing for anyone to assess but we asked the couple to give us an estimate of the value of the two main kinds of matrimonial property, the home if they owned it and the other assets (savings, investments, insurance, other property, businesses and other assets). We did not ask the couple to estimate the value of their current account as this was liable to vary very considerably according to the day of the week, or the day of the month on which we interviewed. In addition we felt that this was in fact too difficult to ask and would have caused too much offence.

(a) *Estimated value of the matrimonial home*

We asked all the couples who owned the matrimonial home to give us an estimate of its value at present. This was the total value of the house—not the proportion of this which they actually owned. On the whole this caused no difficulty. Most people today who are house owners have a very clear idea of what their property is worth. A few difficulties occurred for people who had lived in the same place for a long time and no comparable property existed or had been sold recently, a few difficulties arose for people with leasehold property on which the lease was running out, but these were exceptions. Most people did not have difficulty with this question.

Estimated value of the matrimonial home	All Couples %	Owning Couples
Do not own home	48	
Estimated value of matrimonial home:—		%
No estimate given	1	2
Under £2,000	5	9
£2,000—£3,999	12	24
£4,000—£5,999	18	34
£6,000—£7,999	10	19
£8,000 or more	6	12
	<hr/>	<hr/>
Base	100 (1877)	100 (981)

(b) *Estimated value of other assets* (excluding the matrimonial home and the current bank account)

The other assets which we asked the couple to estimate in value were the small savings, insurance, investments, other property, businesses and other assets of value. When we asked the couple whether they owned these kinds of property we also asked them whose names the property was in. So when we later asked them to give us an estimate of the value of the things that they had mentioned we asked them to do the estimate in four ways, the value of assets in the husband's name, the value of assets in the wife's name, the value of assets in joint names and the total value of all the assets under discussion.

Estimated value of other assets
(excluding matrimonial home and current bank account)

Estimated value of other assets.	Assets in the name of:—			
	The husband	The wife	Joint names	Total
	%	%	%	%
No estimate given	6	4	3	5
No assets of this kind	3	3	3	3
No assets in that person's name	6	12	67	—
Insurance only—no estimate	6	5	—	3
Estimated value:—				
£1-24	11	20	4	6
£25-99	15	19	4	11
£100-249	12	15	5	13
£250-499	10	7	3	12
£500-999	10	7	4	15
£1000-2999	10	5	4	15
£3000-9999	8	2	2	12
£10,000 or more	3	1	1	5
	100	100	100	100
Base	(1877)	(1877)	(1877)	(1877)

	Summary			
	%	%	%	%
No estimate given	6	4	3	5
Less than £100	41	59	78	23
£100-999	32	29	12	40
£1000-9999	18	7	6	27
£10,000 or more	3	1	1	5
	100	100	100	100

The greatest difficulty that occurred at this point was caused by including life insurance. We asked the couple to estimate the value of assets as at present. For people with insurance policies that were redeemable this was possible, although difficult. For people with insurance policies which were payable only on death the present value had no meaning, yet to the person the policy was obviously of value and part of his or her property. We accepted the estimate as given but where the only asset the person had was insurance and they could give no value for it we classified it separately.

Because it is not easy to obtain very detailed and accurate information about the value of such assets we confined ourselves to an overall estimate by the person which would give some idea of the range of value of his possessions. As is often done with financial matters, we gave the people being interviewed cards

showing money ranges, from which they selected the range appropriate to themselves. This method has considerable advantages, for it conveys to the person the amount of detail you require from him and very little needs to be said about money as such, which is helpful to those who find money an embarrassing topic of conversation in an interview.

The assets included in the table are small savings, investments, stocks and shares, unit trusts, property bonds and so on, property other than the matrimonial home, land, businesses and any other big assets not already included. In 5% of cases the couple were not prepared to give an estimate of the value of such assets. Nearly a quarter of couples assessed these assets as worth less than £100, 40% of couples valued their assets more than £100 but less than £1,000, just over a quarter of couples assessed their assets as worth more than £1,000 but less than £10,000 and 5% of couples assessed their assets as worth more than £10,000.

For about three quarters (78%) of all couples the assets in joint names amounted to less than £100. For 59% of couples the wife's assets were assessed at under £100 and for 41% of couples the husband's assets were assessed at under £100.

These results demonstrate that in the population as a whole many married couples do not have large financial reserves behind their every day expenditure.

(c) Value of the home compared with the value of the other assets

It is of interest to compare the distribution of value of other assets taking into account the value of the matrimonial home. By carrying out such an analysis we compare the values of the two most important sources of matrimonial property. It must be remembered, of course that in many cases the couples do not as yet own the house outright.

Estimated value of the matrimonial home

Estimated value of the other assets	Do not own home	Do own home	Value of home					All Couples
			under £2,000	£2,000 £3,999	£4,000 £5,999	£6,000 £7,999	£8,000 or more	
No estimate given	%	%	%	%	%	%	%	%
No assets of this kind	4	1	5	4	5	5	7	5
Insurance only—no estimate	4	2	2	2	—	1	1	3
Estimated value:—			10	3	2	—	1	3
£1—24	8	4	8	7	4	3	—	6
£25—99	16	7	12	9	9	2	1	11
£100—249	16	10	9	16	10	8	2	13
£250—499	14	10	14	9	11	10	3	12
£500—999	15	16	20	16	18	17	8	15
£1000—2999	11	18	12	21	17	22	13	15
£3000—9999	7	18	7	9	20	24	26	12
£10,000 or more	1	9	1	4	4	8	38	5
Base*	100 (899)	100 (978)	100 (85)	100 (233)	100 (332)	100 (193)	100 (121)	100 (1877)

Summary

	%	%	%	%	%	%	%	%
No estimate given	4	5	5	4	5	5	7	5
Less than £100	32	14	32	21	15	6	3	23
£100—999	45	36	43	41	39	35	13	40
£1000—9999	18	36	19	30	37	46	39	27
£10,000 or more	1	9	1	4	4	8	38	5
	100	100	100	100	100	100	100	100

*Base numbers under 'Value of home' do not add to base under 'Do own home' because some people were unable to estimate the value.

There was an association between the value of the home and the value of the other assets; the higher the value of the home the greater was the proportion of people with high value assets. This was particularly so of those couples with homes valued at £8,000 or more; 38% of these couples estimated their other assets to be worth £10,000 or more.

(d) *The pattern of ownership compared with the value*

In this section we investigate whether the pattern of ownership of assets other than the home and the current account, varies according to the value of the assets.

Estimated value of assets
(excluding the home and the current account)

Pattern of ownership	None	Ins. only	£1-£24	£25-£99	£100-£249	£250-£499	£500-£999	£1,000-£2,999	£3,000-£9,999	£10,000 or more	All
	%	%	%	%	%	%	%	%	%	%	%
No assets	100	—	—	—	—	—	—	—	—	—	3
In husband's name only	—	27	13	11	7	7	4	5	—	—	4
In wife's name only	—	20	23	3	5	2	1	—	7	—	7
Some in each spouse's name	—	51	53	65	65	62	57	58	56	54	57
Some joint and sometimes some individual	—	2	11	21	23	29	38	37	39	42	29
	100	100	100	100	100	100	100	100	100	100	100
	60	53	115	215	239	216	291	275	234	92	1877

The highest proportion of husbands and wives being the sole spouse with assets of this kind occurred in the lowest value groups. In the majority of cases couples had some assets in the husband's name and some in the wife's name, but none in joint names. The proportion of couples who had some assets in joint names increased with increasing estimated value of the assets. The range was from 11% of couples with under £25 value of assets to 42% with £10,000 or more of value. Thus where there is a greater margin above everyday needs then a more diverse pattern of ownership exists.

3.0 WAYS OF CONTRIBUTING TOWARDS MATRIMONIAL PROPERTY

The total property owned by a married couple is made up of the assets belonging to the husband individually, the assets belonging to the wife individually, and those belonging to them both. Though a couple may have views as to which assets belong to each and which are owned jointly, their views do not always coincide with the legal principles which would be applied in the event of a dispute between them.

In this chapter we outline the main ways in which the spouses contribute to the building up of matrimonial property. This gives some indication of the relative importance in practice of different methods of contributing. It also indicates the views currently held by married couples on contribution and sharing. Later in section 13.0 contribution is discussed in further detail. It must be remembered that we carried out the interview in circumstances where the marriage was still a reality; the couple's views might of course suffer a radical change in the event of a breakdown of marriage or a disputed will.

3.1 Ownership before marriage

In some legal systems which involve community of property between spouses, possessions owned prior to marriage do not have to be shared but may remain the personal property of the spouse concerned; in such cases sharing is not thought appropriate since such property has not derived from any effort or outlay made by either spouse during marriage. During the interview we asked the husband and wife in turn about four types of possessions which they might have owned before marriage, accommodation or land, a car, furniture, and savings. For those who had owned such possessions we asked how they had viewed those possessions on marriage, whether they considered that the possessions had remained their own or whether in marriage they became part of what belonged to both of the marriage partners.

As far as wives were concerned very few had owned a car or any accommodation before their marriage, but nearly a third had had some furniture and a half had had some savings. For the most part wives considered that, on marriage, the savings and the furniture became part of what belonged to both spouses.

Very few husbands owned accommodation prior to their marriage but nearly a fifth owned a car. Fewer husbands than wives owned furniture prior to marriage but nearly two thirds of husbands had some savings. With regard to the furniture and savings, husbands, for the most part, considered that on marriage these possessions belonged to both spouses. This was not so vehemently expressed with regard to the car.

Ownership before and after marriage

Husband's view	Husband's possessions before this marriage			
	House or land	A Car	Furniture	Savings
	%	%	%	%
Had none of this property	96	82	85	37
Felt it belonged to himself	1	5	1	5
Felt it belonged to both	3	13	14	58
	<hr/>	<hr/>	<hr/>	<hr/>
Base	100 (1877)	100 (1877)	100 (1877)	100 (1877)

Wife's view	Wife's possessions before this marriage			
	House or land	A Car	Furniture	Savings
	%	%	%	%
Had none of this property	97	97	69	49
Felt it belonged to herself	1	1	3	8
Felt it belonged to both	2	2	28	43
	<hr/>	<hr/>	<hr/>	<hr/>
Base	100 (1877)	100 (1877)	100 (1877)	100 (1877)

The results show that most couples did not have possessions of great value prior to marrying one another. A considerable number of wives had some furniture and over a half of wives and nearly two thirds of husbands had some savings. The general view was that once the marriage took place these assets merged into the property that was shared by the couple rather than remaining the property of either individual.

While considering the issue of the property owned prior to this marriage it is worth examining whether the views of those who had been married more than once were any different from those who had not. The people who had been married more than once may previously have been either divorced or widowed.

Couples where one or both partners had been married before

	Husband's possessions before this marriage			
	House or land	A car	Furniture	Savings
Husband's views	%	%	%	%
Had none of this property	86	73	57	41
Felt it belonged to himself	4	6	5	7
Felt it belonged to both	10	21	38	52
	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
Base	(203)	(203)	(203)	(203)

	Wife's possessions before this marriage			
	House or land	A car	Furniture	Savings
Wife's views	%	%	%	%
Had none of this property	86	93	42	51
Felt it belonged to herself	5	1	10	15
Felt it belonged to both	9	6	48	34
	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
Base	(203)	(203)	(203)	(203)

On the whole a greater proportion of spouses owned goods before marriage among those couples where one or both partners had been married before. There was a slightly higher proportion of spouses who felt that these possessions from prior to this marriage should remain the possessions of the individual. This was particularly noticeable in the answers given by wives concerning the furniture or savings which they had prior to this marriage.

From this group of couples where one or both of the partners had been married before we took a closer look at those where both the husband and wife had been married before.

Couples where both partners had been married before

	Husband's possessions before this marriage			
	House or land	A car	Furniture	Savings
Husband's views	%	%	%	%
Had none of this property	77	73	36	45
Felt it belonged to himself	8	8	12	15
Felt it belonged to both	15	19	52	40
	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
Base	(67)	(67)	(67)	(67)

Couples where both partners had been married before

Wife's views	Wife's possessions before this marriage			
	House or land	A car	Furniture	Savings
	%	%	%	%
Had none of this property	82	86	20	50
Felt it belonged to herself	12	3	23	23
Felt it belonged to both	6	11	57	27
	<hr/>	<hr/>	<hr/>	<hr/>
Base	100 (67)	100 (67)	100 (67)	100 (67)

We found that among this group there was a quite considerable feeling that possessions owned prior to this marriage continued to belong to the individual concerned. Again this was somewhat more evident among the wives.

3.2 Inheritance

In addition to possessions owned before marriage there are two other ways in which the individuals may acquire possessions which are not related to any effort or outlay made by either spouse during marriage: they may receive an inheritance or they may receive a gift. The nature of a gift is so difficult to define that it was not included as a subject in the interview.

Whether received any inheritance	Husbands	Wives
	%	%
Nothing inherited	72	70
Something inherited	28	30
	<hr/>	<hr/>
Base	100 (1877)	100 (1877)

About the same proportion of husbands and wives had inherited something at some time. We asked those who had received an inheritance whether this had been before the marriage or during the marriage. Some people had received more than one inheritance, some being before marriage and some during marriage.

When was the inheritance received	Spouses who had inherited	
	Husbands	Wives
	%	%
Before marriage	24	21
During marriage	71	75
Both	5	4
	<hr/>	<hr/>
Base	100 (507)	100 (561)

Three quarters of those who had received inheritances had received some during their marriage. There was no appreciable difference between husbands and wives.

We felt that the circumstances and the uses made of an inheritance might be somewhat different if the inheritance was money rather than goods.

Was the inheritance mostly money or not?	Spouses who had inherited	
	Husbands	Wives
	%	%
Mostly money	78	78
Mostly goods	22	22
	<hr/>	<hr/>
	100	100
Base	(495)	(551)

A large proportion of the inheritances had been received in the form of money. We asked the people concerned if they could give us some estimate of the value of what they had inherited. This was a difficult thing for them to do but they tried, and it gave us a general indication of the values that were involved.

Estimated value of inheritances	Spouses who had inherited	
	Husbands	Wives
	%	%
Under £100	36	41
£100—under £500	33	31
£500—under £1,000	11	9
£1,000—under £5,000	13	14
£5,000 or more	7	5
	<hr/>	<hr/>
	100	100
Base	(492)	(548)

Over two thirds of the inheritances were valued at under £500. The distributions did not vary appreciably between male and female inheritors.

Finally we asked those people who had inherited whether they thought of the inheritance as being part of their own personal belongings, or part of what belonged to both of them.

Who do you consider the inheritance belongs to?	Spouses who had inherited	
	Husbands	Wives
	%	%
The one who inherited	17	30
Both	74	64
Other answers*	9	6
	<hr/>	<hr/>
	100	100
Base	(497)	(558)

Women more often felt that their inheritance remained a part of their belongings although a majority of both men and women felt that an inheritance became the joint possession of the couple.

* The "Other answers" category consisted of those who answered that the inheritance was disposed of before marriage, disposed of to people outside the couple, or that part of the inheritance was personal belongings and part belonged to both of them.

We investigated further whether the attitudes to ownership of inherited property varied according to when the inheritance occurred, and how much it involved.

Who do you consider the inheritance belongs to?	Views of Husbands who inherited:—			Views of Wives who inherited:—		
	before marriage %	during marriage %	both %	before marriage %	during marriage %	both %
The one who inherited	24	13	32	33	30	20
Both	48	84	64	52	67	75
Other answers	28	3	4	15	3	5
	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
Base	(118)	(358)	(27)	(119)	(409)	(20)

A higher proportion of wives who had inherited during marriage considered the inheritance to be their personal belongings than was the case among husbands in similar circumstances.

Who do you consider the inheritance belongs to?	Views of Husbands who inherited:—				Views of Wives who inherited:—			
	Less than £100 %	£100-£499 %	£500-£999 %	£1000 or more %	Less than £100 %	£100-£499 %	£500-£999 %	£1000 or more %
The one who inherited	22	12	15	16	34	27	20	29
Both	63	81	83	78	55	69	80	70
Other answers	15	7	2	6	11	4	—	1
	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
Base	(178)	(161)	(55)	(94)	(223)	(173)	(49)	(103)

In terms of the value of the inheritance wives more often felt, at each range of value, that the inheritance remained someone's personal belongings. There was a slight suggestion in the husbands' and wives' answers that the value of what was inherited did have some effect on people's attitudes.

3.3 Earnings from employment

Earnings from employment are the major source from which husbands and wives can contribute towards the matrimonial property. In the vast majority of cases husbands continue in employment throughout the marriage until they retire, and are thus always in a position to contribute to the marriage by their earnings. It is wives who are in a more variable position with regard to this type of contribution, and we therefore concentrated our attention on them.

We asked all wives whether they had ever been in paid employment during this marriage. We included as in paid employment those who worked or had worked for their husband in his business.

Wife's employment situation during marriage

All wives

Never been in paid employment
Been in employment, mainly as an employee
Been self employed on own account or with husband

%
15
78 } 85
7

Base

100
(1877)

The vast majority of wives (85%) had been in employment at some time during their marriage. Thus most wives had had the opportunity of contributing towards matrimonial property from their own earnings at some time. (See section 13.0 for further analysis).

3.4 Effort in the home

The last remaining way of contributing towards the matrimonial property is by effort in the home. Much attention has been given to the question whether this effort should also be regarded in law as a contribution giving rise to an interest in property. At present it is not so in England and Wales, although when the court decides how to deal with property on a divorce each spouse's contribution to family welfare is taken into account. Nevertheless it will be seen below that despite the present legal position many wives consider their effort in the home to be a real contribution to the matrimonial property.

Although a large majority of wives are employed at some time during their marriage this may not be for the total length of the marriage. For those wives who are never employed, or give up work, much of their time is spent on running the home and looking after the children.

In the same way that we assumed that husbands would contribute by earnings from employment during the marriage we would assume that all wives would contribute by effort in the home. We did not therefore ask wives directly about the part they played in running the home.

3.5 The wife's assessment of her contribution towards matrimonial property

Having covered the means by which each spouse might have contributed to the accumulation of family property we asked wives about their part in contributing towards matrimonial property. We limited the kinds of property considered to the house, the car, the furniture and the other big household items, and the questions were only asked of those couples who had already told us that they owned that particular type of property. We gave the wives a card suggesting various methods by which they might have contributed towards the matrimonial home and its contents. All of the methods suggested were financial except for the last one which was "Your effort in running the home". Since this is not at present given the same recognition in law as financial contribution we were particularly interested to see what importance wives attached to it.

Among the couples who owned their houses, furniture and other large household items, three quarters or more of the wives thought they had contributed towards the property. It was only in the case of the car that the proportion of wives contributing fell, and even then one half of the wives felt they had contributed.

Wife's assessment of her contribution towards the matrimonial home and contents

	The house	The car	The furniture	Other large household items
	%	%	%	%
Wife felt she had contributed	79	57	85	76
Wife felt she had not contributed	21	43	15	24
	<hr/>	<hr/>	<hr/>	<hr/>
Base	100 (965)	100 (1098)	100 (1814)	100 (1792)

The methods by which the wives had contributed

Among wives who had contributed, the proportion who felt they had contributed by the different methods

Money earned during marriage	67%	74%	70%	71%
Savings from before marriage	34%	13%	26%	15%
Using gifts of money received	22%	11%	18%	12%
Using any inheritance received	15%	11%	10%	7%
Her effort in running the home	72%	35%	53%	50%

Among the methods by which the wives could have contributed, the money earned during the marriage played a major role. For each type of property, over two thirds of the wives who contributed did so from earnings.

Savings from before marriage played a fairly big part with regard to the house and furniture.

The wife's effort in running the home was considered as a contribution by over 70% of those wives who contributed to the house, and by a half of wives contributing to furniture and other household items. It is of considerable interest that the wife's effort in running the home was mentioned as a contribution to the home as frequently as earnings. Although many wives may never before have thought about contribution to property in legal terms it is clear that many of them felt that their effort in the home could well be regarded as a contribution.

In marriage a couple may divide their responsibilities for the sake of convenience with the intention of creating a common pool. For example if the wife makes her contribution by helping to buy the furniture she may feel that the ownership of the house, to which she did not contribute directly, is nevertheless partly hers. We therefore re-examined the questions on contribution and combined the answers relating to the home, the furniture and the large household items (but excluding the car as it is not directly part of the home and contents), and we examined the results separately for owner-occupiers and others, since for the latter contribution to the home was inapplicable. We wanted to find out irrespective of effort in the home how many wives had made some financial contribution to the home and contents, and how many had made no financial contribution at all.

Among couples who were owner-occupiers, 85% of wives said that they had made some financial contribution and 15% said that they had not contributed financially to any of the three components of the home and contents.

Among couples who did not own their own home, 79% of wives said they had contributed financially to the contents of the home, and 21% said that they had not.

Thus, whatever the situation of home ownership, the great majority of wives felt they had contributed financially towards the home and its contents.

4.0 THE MANAGEMENT OF HOUSEHOLD AFFAIRS

4.1 Household duties involving regular expenditure

We wanted to have some picture of how the couple organised their roles with regard to handling their money, and we also wanted to lead up to asking the wife how interested she was in financial matters. In the first series of questions we asked the couple who usually bought the food, paid the gas or electricity bills, paid the rates, rent or mortgage and who, if there was any money left, dealt with the surplus. In these questions we were asking who carried out the tasks, not who provided the money for them.

Who usually dealt with:—	Buying food	Paying for gas or electricity	Paying rates, rent, mortgage	Dealing with any surplus
	%	%	%	%
Husband	3	38	45	20
Wife	89	49	45	36
Either or both	7	10	8	43
Other answer	1	3	2	1
	100	100	100	100
Base	(1877)	(1877)	(1877)	(1877)

In some cases someone other than one of the spouses carried out the duties, or there was some special method of payment, for example, payment by standing order. The wife was predominantly the person responsible for buying the food but in the other matters there was a fairly even split of responsibility between the couple. We examined in more detail whether the housing and earnings situation of the couple were associated with the sharing of responsibilities for paying bills for heating and lighting, and rates, rent or mortgage.

Who usually deals with:—	Paying for gas or electricity		Paying rates, rent, mortgage	
	Method of payment from husband's employment			
	cash	not cash	cash	not cash
	%	%	%	%
Husband	26	58	30	65
Wife	61	31	60	23
Either or both	9	10	7	10
Other answers	4	1	3	2
	100	100	100	100
Base	(1099)	(534)	(1099)	(534)

The method by which the husband is paid is closely associated with which spouse pays both types of bills, fuel and rates, rent or mortgage. Where the husband is paid in cash there is a much greater likelihood that the wife carries out these duties. Where the husband is not paid in cash it is most likely that he has responsibility for these bills.

We next examine whether these duties are associated at all with whether the matrimonial home is owned by the couple or not.

Who usually deals with:—	Paying for gas or electricity	Ownership of the matrimonial home.			
		Couple do not own the home	Couple own the home	Couple do not own the home	Couple own the home
		%	%	%	%
Husband		27	49	29	59
Wife		58	40	61	30
Either or both		10	10	6	11
Other answers		5	1	4	—
		100	100	100	100
Base		(896)	(978)	(896)	(978)

The variation here is similar to that in the previous table. Where the couple own their own home the husband is more likely to take the responsibility for paying the bills for fuel and housing. Where the couple do not own their home these duties are more frequently carried out by the wife.

Thus the duties that the spouses carry out in relation to these particular household responsibilities are associated with other factors in their domestic situation.

4.2 Wife's interest in money matters

After the series of questions about household management we asked wives whether they liked to know about money matters or whether they preferred to leave such things to their husbands. We first classified separately those wives who said they received the whole pay packet and were obviously responsible themselves for domestic financial management.

Wife's interest in money matters

	%
Is given the whole pay packet	5
Likes to know about money matters	76
Prefers to leave such things to husband	19
	100
Base	(1877)

Giving the whole pay packet to the wife is often talked of as a regional phenomenon so we examined to what extent the 5% of wives in this position varied in the different economic planning regions.

Region	Proportion of wives who receive pay packet	
		Base
North	15%	(122)
East Midlands	8%	(142)
South West	8%	(152)
Wales	8%	(99)
Yorkshire and Humberside	5%	(199)
West Midlands	4%	(201)
East Anglia	3%	(62)
North West	3%	(275)
South East	2%	(391)
Greater London	2%	(234)
England and Wales	5%	(1877)

It is thus a way of life occurring most frequently in the North but also occurring more than average in the East Midlands, the South West and Wales.

4.3 Savings from the housekeeping money

One type of financial arrangement that is specifically dealt with by the law is the housekeeping allowance made by the husband to his wife and any savings made out of the allowance. We therefore asked the couple their views on this issue. Once we had obtained their opinions we asked whether they knew the current legal position, which is summed up in an extract from the leaflet which we left behind after the interview.

"SAVINGS FROM THE HOUSEKEEPING

*If a husband gives his wife an allowance for paying the housekeeping expenses, and she saves part of it, the savings are shared equally. Any property bought from the savings is also shared equally. The parties are free to agree upon any other arrangement."**

The question we asked was "if a husband gives his wife regular housekeeping money and she saves out of it who do you think the savings should belong to, the wife, the husband or half to each?"

Savings should belong to:	Husbands	Wives
	%	%
The wife	52	47
The husband	2	2
Half to each	46	51
	100	100
Base	(1877)	(1877)

It is interesting to note that there was virtually no support for the idea that savings from housekeeping should belong to the husband. Views were fairly evenly split between feeling they should belong to the wife and feeling they should be shared.

* Prior to 1964 such savings legally belonged to the husband.

We asked all the couples whether or not they knew the legal position regarding savings out of housekeeping; over half of husbands and over half of wives did not.

Whether knew the legal position is with regard to savings from housekeeping	Husbands		Wives	
	Yes	%	Yes	%
	No	42	No	41
		58		59
Base		100	100	
		(1877)	(1877)	

We asked those who said they thought they knew the legal position what they thought it was.

Those who thought they knew the legal position

		Husbands		Wives	
Savings would belong to:		%		%	
	the wife	32		26	
	the husband	44		54	
	half to each	24		20	
Base		100	100		
		(787)	(777)		

Fewer than a quarter of those who thought they knew the legal position in fact stated the current legal position, that such savings belong half to each partner. Most of those who felt they knew were wrong and gave the legal position as it had been before legislation in 1964, when such savings belonged to the husband. In addition a fairly high proportion thought, also wrongly, that such savings belonged to the wife.

5.0 MAKING A WILL

It is at the end of the marriage rather than during it that property considerations come to the fore, because this is when some kind of settlement has to be made.

There are two ways in which a marriage may come to an end. A breakdown may occur in the relationship, or one (or both) of the partners may die. On the whole, couples do not make advance provision in case of breakdown of marriage because they do not expect such misfortune to occur. In most cases a marriage is not ended prematurely by divorce but by the death of one or other of the partners; even so, it is not uncommon for no specific provision to be made in advance. We asked couples whether they had made provision for the event of the death of one of them by making wills and we also asked whether they knew what happened in cases of intestacy.

5.1 The people who had made wills (24% of husbands, 10% of wives)

Among all the married couples in the sample 24% of husbands and 10% of wives had made a will.

Some wills are drawn up by a solicitor, some are drawn up by the testator himself without legal advice. The person who chooses to make his own will may use a printed will form or he may write or type his will on an ordinary piece of paper. Provided that he carries out all the legal formalities required, either method is valid. The dangers inherent in home-made wills arise from ignorance of or failure to comply with the legal formalities, and failure to state exactly and unambiguously what is intended. Wills made by soldiers, sailors and airmen on active military service are special cases and do not require the same formalities; such wills are valid if the intention to make a will is clearly expressed. Service wills are often written on a special page in the service pay book. In our analyses service wills have been included with those made on a normal will form.

We asked all the people who had made wills what had prompted them to do so at the time that they had. Of all the husbands who had made wills, 27% had made them whilst in the armed services, and did not in many cases know what had happened to them or whether they were still valid.* Aside from the special case of service wills the most common reason for making a will at a particular time (12% of husbands with wills, and 22% of wives with wills) was that they had acquired sufficient property to warrant the making of a will. The acquisition of a house was a major element in this. Other reasons for making a will at that time were going away on holiday or travelling abroad, the death of a friend or relative, or on someone's advice. Some people could not give a definite reason but said that they just felt that it was time they did.

Reasons for making a will at that particular time

	Husbands with wills	Wives with wills
Whilst in the armed services	27%	1%
Acquired property that warranted it	12%	22%
Travelling abroad or going on holiday	8%	14%
Because of the death of a friend or relative	11%	12%
On someone's advice	12%	16%
Felt it was time that they did	9%	12%
Base	(445)	(181)

In many cases a particular event stimulated the people into actually making the will.

Whatever method they used, very few people said they had any difficulty with making their will, and very few of them had changed their wills. Among spouses who had made wills 74% of husbands and 84% of wives had only ever made one will; nearly 90% of those with wills had not amended the current one despite the fact that 61% of husbands and 45% of wives had made their wills more than ten years earlier.

* Such wills remain valid until revoked, e.g. by intentional destruction or by making a later will. Marriage revokes all wills not stated to have been made in contemplation of that marriage.

The majority of the wills had been made through a solicitor, this was so for 60% of husbands with wills and 82% of wives with wills. We have already seen that over a quarter of husbands with wills had made them in the armed forces. We examined whether there was a large difference between the use of a solicitor with service wills and non-service wills. Among husbands with service wills only 12% had used a solicitor, whereas among husbands with non-service wills 77% had used a solicitor. Thus the difference in the use of solicitors between husbands and wives was mostly accounted for by the service wills.

We asked the people who had made their wills through solicitors whether they had ever considered making it for themselves. Only about one in ten had ever thought of doing it themselves.

Among the people who had made their own wills, four out of five had used a will form rather than an ordinary piece of paper. We asked whether they had ever thought of making the will through a solicitor and 21% of husbands with self-made wills and 32% of wives with such wills, said they had considered it. The main reasons given for rejecting the idea were that it was not necessary as it was easy to do and was perfectly legal when made by oneself, and because of the expense involved in using a solicitor.

About a fifth of the people who had made their own will had obtained some advice about how to do it, the main sources of information being books, solicitors and officers in the forces.

5.2 The people who had not made wills (76% of husbands and 90% of wives)

The large majority of husbands and wives had never made a will. We tried to find out whether they attached any importance to the making of wills. More than 4 out of 5 of those without wills felt that it was important for people to make them. When asked whether they felt they would themselves make a will, 77% of husbands thought they would make one at some time in the future and 68% of wives thought they would. We asked these people when they thought this would be. Not surprisingly many of the answers given were very vague.

When those who said they would make a will someday thought this would be

	Husbands	Wives
Don't know, just some day	19%	24%
When I reach a particular age	17%	11%
In a particular number of years time	14%	11%
Within the next 12 months	13%	7%
Very soon	11%	8%
If or when my spouse dies	2%	11%
If or when I have something worth leaving	15%	17%

The general pattern of these answers is consistent with our earlier findings that particular events stimulate will making. Most of the answers estimating when a will might be made are very vague indeed, but the last two, if or when my spouse dies, if or when I have something to leave, are in anticipation of some particular event.

We asked those people who thought that one day they would make a will how they would set about doing so.

About 70% said that they would consult a solicitor or lawyer, and 14% of spouses said that they would make it out themselves. Over three-quarters of the people who said they would make it out themselves mentioned the use of a will form.

5.3 The laws of intestacy

Since such a high proportion of husbands and wives did not currently have a will, it was of interest to see whether they knew what the laws of intestacy were. The first question about intestacy was a very general one which asked the wife and husband in turn "If a person dies without having made a will, do you know what the law says about the distribution of his property?"

Laws of intestacy	Husbands	Wives
	%	%
Person thought he or she knew	62	50
Person did not know	38	50
	<hr/>	<hr/>
	100	100
Base	(1877)	(1877)

Over a third of husbands, and a half of wives, said they did not know what the law says about intestacy. (See also 9.0 when we examine the application of the general rules to particular situations.)

Those people who claimed to know the law were asked what it lays down about the distribution of the property of someone who dies without a will. We summarise below what the current position is.

INTESTATE SUCCESSION

When a person dies without having made a valid will the rules of intestate succession apply. They can be varied only in exceptional circumstances, when inadequate provision is made for the maintenance of a spouse or dependent children, and only by an application to the court. The rules are exactly the same for men and women.

A. WHERE THE DECEASED LEAVES NO HUSBAND/WIFE

- (i) *If the deceased leaves any children, the children share equally the whole estate. If any child is dead any children of that child take the share of that child. (This rule applies in all cases where children are referred to).*
- (ii) *If there are no children (or grandchildren) the parents share the whole estate equally.*
- (iii) *If there are no children (or grandchildren) and no parents, the brothers and sisters share the whole estate equally. If any brother or sister is dead, any children of that brother or sister take the share of that brother or sister.*
- (iv) *In any other case there are rules under which grandparents or uncles and aunts or cousins may take an interest.*

B. WHERE THE DECEASED LEAVES A HUSBAND/WIFE

- (i) *If the deceased leaves any children, the husband/wife takes all the personal possessions (including furniture, other household contents and private car) and the first £8,750 of the other property (including the house up to that value). If there is any balance one half is shared equally between the children. The husband/wife has an interest for life in the other half, and then it is shared equally by the children.*
- (ii) *If the deceased leaves no children (or grandchildren) but leaves any of the following: parent, brother, sister, nephew, niece, the husband/wife takes all the personal possessions and the first £30,000 of the other property. If there is any balance, one-half is taken by the husband/wife. The other half is shared equally by the parents. If both parents are dead it is shared equally by the brothers and sisters (the children of a deceased brother or sister take the share of that brother or sister).*
- (iii) *If there are no children, no parents, no brothers or sisters and no nephews or nieces, the husband/wife takes the whole estate.*

C. IF NEITHER A NOR B APPLIES

If no one takes the estate under the rules above it goes to the state.

We did not expect the general public to know the law in all its detail, but were interested to see what parts of the law were known. We classified the answers of those who claimed to know the laws of intestacy in terms of the amount of detail given.

Property goes to:	Those who claimed to know the law	
	Husbands	Wives
	%	%
Next of kin, nearest relative, the family	14	11
The spouse and/or the children	56	61
The spouse, children, grandchildren, parents, brothers, sisters, cousins (idea of extended family)	18	17
Some mention of it depending on the amount involved	12	11
	<hr/>	<hr/>
	100	100
Base	(1043)	(866)

We wanted to establish how many people knew that in the family situation the value of the estate was taken into account under the laws of intestacy, so we were particularly interested in the fourth group shown above, those people who mentioned that the intestacy laws depended on the value of the estate. All the people who were correct in stating what the laws would be included here. We examined carefully the verbatim answers recorded for this group to find out how many really knew the detailed situation with regard to intestacy.*

* One additional point revealed by this question was that about 15% of spouses thought that the oldest child or oldest brother or sister of the deceased had a certain priority of inheritance over younger brothers or sisters.

The number of people in this group is so small (123 husbands, 91 wives) that we continue the analysis on a basis of the number of people concerned rather than the proportion.

Apart from eight people whose answers were extremely vague, all the people in this group said that up to a certain value of the estate, the surviving spouse inherited the whole of the property. The majority of these people went on to say that the children of the couple shared any property over this amount.

There were 13 husbands and five wives who did not specify what the limit was for the spouse to inherit all the estate, but merely said that there was a limit. A further 35 husbands and 27 wives put a value to this limit in terms of a fixed proportion (e.g. a quarter, a third, a half) of the estate, rather than a fixed amount.

The rest of the people in this group (72 husbands, 54 wives) specified a figure for the limit varying between £1,000 and £20,000. There were 23 husbands and 17 wives who thought the figure was less than £5,000, but the most frequently mentioned figure (29 husbands, 24 wives) was exactly £5,000. This was not surprising, for between 1953 and 1966, £5,000 was the limit of the surviving spouse's inheritance where there were children. It was only in 1967 that the present figure of £8,750 was introduced. A further 13 husbands and 11 wives thought it was over £5,000.

Only two husbands and one wife gave an exactly correct answer, and another five husbands and one wife were almost correct, but had specified the level at which the children shared in the estate at something other than £8,750.

We examined the background information we had about the three people who had correctly stated the laws of intestacy in terms of a surviving spouse and children, and found that the two husbands worked in banking, dealing in matters related to property and trusteeship, and the wife was employed in the legal field.

Thus, detailed knowledge of the intestacy laws is confined to a very few people indeed. About half of our sample had some idea of the laws of intestacy, though the degree of knowledge varied considerably. Only three people, that is about one spouse per thousand, knew in detail the parts of the intestacy laws which affect the family, and they all had close connection with legal work. The lack of knowledge is confirmed when particular situations were considered (see 9.0).

PART II. MARRIED COUPLES' OPINIONS ON THE FUNDAMENTAL CONCEPTS OF MATRIMONIAL PROPERTY

The results discussed so far have been based on answers given to questions which related directly to the couple who were being interviewed. Many of these questions were factual ones about the way they had arranged their affairs and how they viewed their situation. Part II of the report deals with matters of a rather different nature. It deals with some of the fundamental concepts with regard to matrimonial property. Obtaining views about these issues is very difficult, for the couple may have never been directly affected by them. The type of questions that are required in the interview are therefore somewhat different. We wished to obtain opinions from all couples about these issues, we therefore asked questions, not about their own life, but what they thought should be the case for married couples in general. For some questions we provided a detailed situation and then asked for the comments of each spouse.

The fundamental topics that were included in the interview were general views about the ownership of the matrimonial home and its contents, financial settlement on the breakdown of marriage, laws governing the rights of inheritance through wills and the laws of intestacy.

6.0 OWNERSHIP OF THE MATRIMONIAL HOME AND CONTENTS

One of the central issues in any discussion about community of property in marriage is the ownership of the matrimonial home and its contents. We wanted to know how married couples would react to the suggestion that the home and its contents should legally be jointly owned by the husband and wife, irrespective of who paid. We anticipated that most people would regard this as a good idea, but we were unsure as to how many would agree that the consequence of joint ownership should be joint responsibility. We therefore followed the first question with another about whether the wife should be financially responsible if the husband was not able to continue the payments. In the question it was stated that the wife did have some money of her own. This was done to prevent concern about whether the wife would be worried by debts as a result.

<i>Some people say that the home and its contents should legally be jointly owned by the husband and wife irrespective of who paid for it. Do you agree or disagree with that?</i>	Husbands	Wives
	%	%
Agree	91	94
Disagree	9	6
	<hr/>	<hr/>
	100	100
Base	(1877)	(1877)

Some people say that, if a wife had some money of her own, and the husband failed to keep up the payments for the joint home, then the wife should be legally responsible for continuing the payments. Do you agree or disagree with that?

	Husbands	Wives
	%	%
Agree	41	43
Disagree	32	30
It depends	27	27
	<hr/> 100	<hr/> 100
Base	(1877)	(1877)

On the matter of the wife's financial responsibility there was considerable diversity of opinion. The opinions of husbands were, overall, very similar in distribution to those of the wives. About 40% of spouses thought the wife should be financially responsible for the home and contents if the husband did not pay, about 30% thought the wife should not be responsible and just under 30% thought that it depended on the circumstances involved.

The issues involved in these two questions are so important that we asked some further questions as to why people felt the way they did. Firstly we asked those people (fewer than 10%) who felt that the matrimonial home should not be jointly owned irrespective of contribution why they felt that way. Over half of them said they felt that property should belong to the person who paid for it. Some considered that property should not be jointly owned where a spouse had not pulled his or her weight in the partnership, and some considered that the matrimonial home and its contents were the responsibility of the husband. These were the main reasons given by the minority group as to why they did not think that general joint ownership of the matrimonial home was a good idea.

The other issue of interest was the reasons for married people's attitudes to the financial responsibility of the wife for the joint matrimonial home and its contents.

There was one main reason for each view point about the wife's financial responsibility. Those who thought she should be responsible thought so on the basis that marriage was a partnership which involved both spouses being responsible. Some people specifically stated that joint ownership carries with it joint responsibility. Those who thought the wife should not be financially responsible thought that it was the duty of the husband to provide the matrimonial home. Those who thought the matter depended on the circumstances involved were mostly of the opinion that the wife should be responsible if the husband had been doing his best for the marriage, but that she should not if the reason for non-payment was in any way reprehensible. Some people gave more than one reason for their answer and the most important reasons are shown on page 40.

When looking at the overall views of husbands and wives the three different attitudes stand out quite clearly, there are those people who feel that marriage is a partnership and that responsibilities should be shared, there are those who feel it is the husband's duty to provide for the wife and then there are those who feel that the extent of a partner's rights or obligations should in some way reflect their conduct. The largest group, overall, was the one which thought conduct should be taken into account.

Just over a half of the married couples in the sample owned their own home, and just over a half of these owner-occupying couples had their home in joint names. Did their home ownership situation have any bearing on their views about the wife's financial responsibility for the home?

Reasons for views on a wife's financial responsibility for the joint home and contents

- (i) Those who thought the wife should be financially responsible
(41 % of husbands, 43 % of wives)

<i>Reasons for views</i>	Husbands	Wives
If things are owned jointly responsibility must be shared	17 %	11 %
Marriage is a partnership so responsibility must be shared	63 %	60 %
She should be responsible if the husband is doing his best, but not if he's not	19 %	18 %
Base	(769)	(807)

- (ii) Those who thought the wife should not be financially responsible
(32 % of husbands, 30 % of wives)

<i>Reasons for views</i>	Husbands	Wives
It's the husband's duty to keep the wife	77 %	64 %
She should be responsible if the husband is doing his best, but not if he's not	17 %	28 %
The wife would want to but should not have to	8 %	13 %
Base	(601)	(563)

- (iii) Those who thought the matter depended on the circumstances
(27 % of husbands, 27 % of wives)

<i>Reasons for views</i>	Husbands	Wives
She should be responsible if the husband is doing his best, but not if he's not	78 %	82 %
Depends on the circumstances, e.g. whether couple are happily married	16 %	16 %
It's the husband's duty to keep the wife	11 %	3 %
Base	(507)	(507)

- (iv) All husbands and wives

<i>Reasons for views</i>	Husbands	Wives
If things are owned jointly responsibility must be shared	8 %	6 %
Marriage is a partnership so responsibility must be shared	28 %	27 %
It's the husband's duty to keep the wife	29 %	21 %
The wife would want to but should not have to	4 %	7 %
She should be responsible if the husband is doing his best, but not if he's not	35 %	39 %
Depends on the circumstances, e.g. whether couple are happily married	9 %	9 %
Base	(1877)	(1877)

Some people say that, if a wife had some money of her own, and the husband failed to keep up the payments for the joint home, then the wife should be legally responsible for continuing the payments. Do you agree or disagree with that?

	Husbands			Wives		
	Did not own the home	Owned the home, not in joint names	Owned the home in joint names	Did not own the home	Owned the home, not in joint names	Owned the home in joint names
	%	%	%	%	%	%
Agree	40	43	43	40	47	44
Disagree	37	29	25	36	25	24
Depends	23	28	32	24	28	32
	100	100	100	100	100	100
Base	(897)	(471)	(509)	(897)	(471)	(509)

The only group that did show a variation was those couples who did not own their home, which had a higher proportion who thought that the wife should not be financially responsible, and a correspondingly lower proportion who qualified their answers.

Couples who have joint ownership have undertaken joint responsibility for the property. In these circumstances, it might have been thought that these couples would expect joint liability to go with joint ownership, but this was not so. Couples with joint ownership were not more likely to take the view that the wife should be financially responsible for the joint home, than were other couples, owners or non-owners.

7.0 SETTLEMENT ON BREAKDOWN OF MARRIAGE

Under current law the divorce court has power to settle financial matters in the event of a breakdown of marriage. We were not concerned, in this survey, with the practice of the courts but we were interested to know what married couples themselves considered as a fair settlement in various circumstances.

We knew that many married couples would not have thought about the issues involved in such settlements, so the questions were designed in such a way as to make the situation as realistic as possible. Before asking the questions we presented the couples with a particular, well defined situation.

"A married couple with no children, acquire during their marriage a house on mortgage, the furniture, a car and some savings—altogether worth about £3,000. Then by mutual agreement they decide to separate and some financial arrangement has to be made."

By setting the scene in detail we avoided some of the most obvious qualifications which would have been raised if the question had been of a general nature, qualifications such as it depends whether there were any children, or it depends whether they both wanted to part.

Once this situation had been absorbed we asked each of the couple being interviewed what they would consider fair, as a settlement in four different circumstances. In this way we tackled four different aspects of ownership within marriage.

- (i) The husband and wife were both earning.
- (ii) The husband had been working and the wife had been looking after the home.

- (iii) In addition the husband had inherited £500 from his grandfather.
 (iv) In addition the wife still had £200 which she had saved before her marriage.

For each of these circumstances we asked what would be considered as a fair settlement of the money involved. We wished to obtain independent answers from husbands and wives, so we gave each of them a card showing a range of possible settlements. The couple were asked to give the letter denoting the settlement they thought was fairest, and the letters on the husband's card were different from those on the wife's. The range of solutions given was the same for all four questions.

All to husband
All to wife
In proportion to earnings
Half and Half
 $\frac{1}{3}$ to wife $\frac{2}{3}$ to husband
 $\frac{2}{3}$ to wife $\frac{1}{3}$ to husband
Some other arrangement

The first situation considered was that of the husband and wife both earning.

Supposing that both the husband and wife had been earning during the marriage. What do you think should happen to the £3,000?

	Husbands	Wives
	%	%
All to husband	—	—
All to wife	2	—
Shared		
In proportion to earnings	9	6
Half and half	72	75
$\frac{2}{3}$ husband $\frac{1}{3}$ wife	2	1
$\frac{1}{3}$ husband $\frac{2}{3}$ wife	1	1
Some other arrangement	3	2
Don't know	11	15
	<hr/>	<hr/>
Base	100 (1877)	100 (1877)

The large majority of spouses (84% of husbands and 83% of wives) felt that the matrimonial property should be shared between the spouses. The type of sharing favoured most highly was a simple half and half principle. On this question a fairly high proportion of people could not decide on a particular settlement. This was the first of a series of four questions and the first question of this nature in the interview. In the later questions the people being interviewed were not inhibited about choosing solutions to various problems, so this present high level of don't know's would appear to be a result of the unfamiliarity of the type of question the first time it was used.

The second situation considered was where the husband was working and the wife was looking after the home.

Supposing that the husband has been working and the wife has been looking after the home. What do you think should happen to the £3,000?

	Husbands		Wives	
	%		%	
All to husband	1		1	
All to wife	2		1	
Shared				
Half and half	77	} 90	77	} 93
$\frac{2}{3}$ husband $\frac{1}{3}$ wife	10		11	
$\frac{1}{3}$ husband $\frac{2}{3}$ wife	3		5	
Some other arrangement	6		4	
Don't know	1		1	
	<hr/>		<hr/>	
	100		100	
Base	(1877)		(1877)	

The proportion of people who chose some form of sharing as a solution was higher than on the previous question. This was largely accounted for by the fact that there were fewer people who said they "did not know" for this question. If the answers to these two questions are presented excluding the people who said they "did not know" from the distribution, the proportion of people who chose some form of sharing rises to over 90% in each case. Again a simple share system of half and half was the predominant choice, but there was an increase in the number who chose some other sharing system.

Thus changing the situation from one where both spouses were earning to only one spouse earning did not result in a large shift of opinion as to what would be a fair settlement in the event of a breakdown of marriage. Nine out of ten thought the possessions should be shared and three quarters thought the method of sharing should be half and half.

As with the earlier questions relating to the ownership of the matrimonial home opinion with regard to settlement was on the whole one of sharing, predominantly equally. The other two parts of this series of questions dealt

During the marriage the husband inherited £500 from his grandfather. What do you think should happen to the £500?

<i>£500?</i>	Husbands	Wives
	%	%
All to husband	46	59
All to wife	1	1
Shared		
Half and half	41	29
$\frac{2}{3}$ husband $\frac{1}{3}$ wife	6	6
$\frac{1}{3}$ husband $\frac{2}{3}$ wife	—	1
Some other arrangement	5	3
Don't know	1	1
	<hr/>	<hr/>
	100	100
Base	(1877)	(1877)

with property which was not accumulated by the effort of either partner during the marriage, but with property inherited, or acquired before the marriage. With regard to these kinds of property opinion was more varied.

In the case of an inheritance left to one individual, in this case left to the husband, 46% of husbands and 59% of wives considered that on the breakdown of marriage such an inheritance should belong to the person concerned; 47% of husbands and 36% of wives felt that such an inheritance should be shared between the spouses, in most cases halved. The feeling that it should be shared occurred more frequently among husbands than wives, but for all spouses sharing was much less often felt to be the fair settlement than had been the case with the property accumulated by the couple during their marriage and from their own effort.

In section 3.2 we said that 28% of husbands and 30% of wives had themselves received an inheritance. Did these people have different views from those who had not inherited, on this question?

During the marriage the husband inherited £500 from his grandfather. What do you think should happen to the £500?

	Husbands		Wives	
	Those who have inherited.	Those who have not.	Those who have inherited.	Those who have not.
	%	%	%	%
All to husband	46	46	63	58
All to wife	—	1	1	1
Shared	46	48	32	37
Some other arrangement	6	4	3	3
Don't know	2	1	1	1
	—	—	—	—
Base	100 (507)	100 (1370)	100 (562)	100 (1315)

Before the marriage the wife had saved £200 which she still has. What do you think should happen to the £200?

	Husbands	Wives
	%	%
All to husband	1	1
All to wife	68	70
Shared		
Half and half	26	24
$\frac{2}{3}$ husband $\frac{1}{3}$ wife	—	—
$\frac{1}{3}$ husband $\frac{2}{3}$ wife	3	3
Some other arrangement	2	1
Don't know	—	1
	—	—
Base	100 (1877)	100 (1877)

Among husbands, the views of those who had inherited something were almost identical to the views of those who had not. Among wives "all to the husband" was slightly more often chosen as the fair solution by those wives who had inherited than by those who had not, 63% compared with 58%, but the difference is not really significant as compared with the different pattern between the husbands' answers and the wives' answers.

The fourth part of this question dealt with another situation of property not acquired by the effort of the couple during marriage, this time the property concerned was savings, still intact, that the wife had accumulated before the marriage.

There was a higher proportion of spouses in favour of retention by the individual of this kind of property than was the case with any other kind of property discussed. Of all spouses nearly 70% said such savings should belong to the wife in the event of breakdown of marriage. The views of husbands and wives on this matter were similar.

It is interesting to note that wives were more inclined to feel that a wife's savings from before marriage should be retained by the wife, than that a husband's inheritance during marriage should be retained by the husband, (70% compared with 59%), but this difference was even greater among husbands, where 68% thought a wife should retain savings she had accumulated before marriage but only 46% considered the husband should retain an inheritance received during marriage.

8.0 INHERITANCE RIGHTS

The laws governing the power to leave property by will have to be considered in conjunction with the laws governing matrimonial property, for the inter-relationship is very important. The property disposable by will is of course limited to the property owned by the individual concerned at the time of death. The pattern of ownership is, itself, determined by the matrimonial laws governing any particular country. This means that the estate which a spouse leaves may vary very much according to whether he or she is the survivor of the partnership or the first to die.

Just as the laws about the ownership of matrimonial property vary considerably between countries, so also do the laws relating to wills. In some countries spouses and offspring have certain rights of inheritance which must be met before the other terms of the will take effect. In other countries, no such overall right exists, but applications can be made to the courts by parties who feel injured by the terms of a will.

It is thus against a very complex background that we asked our questions about wills. We have already discussed in Ch. 5 whether the couple themselves had made wills. After these questions relating directly to the couple we went on to ask some more generalised questions to ascertain opinions on the rights of inheritance of spouses and offspring.

These questions were probably the most difficult in the survey because of their complexity. They were difficult to design, difficult to ask, difficult to answer, but nevertheless fundamental to the issues being discussed.

The points which we wished to discuss were whether the couple felt that the surviving spouse should have a right of inheritance, and whether they would prefer a system where the spouse had an automatic right to part of the estate left by will or whether they would prefer it to be left to the court to decide the

right amount to be given to a spouse who felt hard done by. Exactly the same issues were discussed with respect to the inheritance rights of sons and daughters.

These matters are obviously very complex to put over in an interview situation. We had to attempt to strike a balance by giving the informant a clear explanation of the issues involved without overburdening the questions with detail. The questions we used were as follows:

"When a married man makes a will do you think he should be entirely free to distribute his possessions as he wishes, or should he be made, by law, to include his wife in the will?"

"When a married woman makes a will do you think she should be entirely free to distribute her possessions as she wishes, or should she be made, by law, to include her husband in the will?"

"In some countries the law says that if a will is made, then the surviving spouse must be provided for in it. In other countries there is complete freedom in making the will, but the surviving spouse can ask a court to decide whether some extra provision should be made, if he or she feels unfairly treated under the will. Which do you think is the better system?"

These questions were reworded to be suitable and then used for the same issues with regard to parents and children.

We did not include the suggestion of spouses or offspring benefitting by a stated minimum proportion in the will. We felt the questions would become quite unmanageable if any more were added. The exclusion of this concept led some people into difficulties in answering. Some worried about the person making the will, thinking he would have no freedom at all, others worried about wanting to differentiate between bequests to different offspring, thinking this could not be achieved.

Furthermore, the questions have over-simplified the legal position by suggesting that there might be a direct obligation to include the spouse in the will. Those systems which protect the inheritance rights of the surviving spouse usually adopt one of two methods. The first is to provide that the surviving spouse should be entitled to a proportion of the estate, irrespective of the terms of the will; rules explain how that amount is allocated among the beneficiaries of the will. The second method (English law) is to allow the surviving spouse to apply to the court on the ground that the will has not made adequate provision for his or her maintenance. The effect of any system of protection must often be to persuade a person to include the spouse in the will; in other words, indirectly to create an obligation to include the spouse. It was simpler to explain the problem in terms of a direct obligation, and we felt that the over-simplification would not materially affect the replies. Although for the reasons given it was not possible to deal with all aspects without overloading the questions, and although the questions could not be made to correspond exactly with the legal position the information obtained was nevertheless fairly extensive and of considerable interest.

8.1 Inheritance rights of spouses

In terms of a husband's responsibilities when making a will husbands and wives had much the same views overall. Over a half of spouses felt that the will should make provision for the wife; a third of spouses, on the other hand, felt the husband should be entirely free to dispose of his goods.

"When a married man makes a will do you think that he should be entirely free to distribute his possessions as he wishes, or should he be made by law to include his wife in the will?"

	Husbands	Wives
	%	%
When a married man	34	31
Entirely free	55	59
Made to include wife	11	10
Qualified answer		
	<hr/> 100	<hr/> 100
	%	%
When a married woman	47	39
Entirely free	45	51
Made to include husband	8	10
Qualified answer		
	<hr/> 100	<hr/> 100
Base	(1877)	(1877)

When considering a wife's responsibilities about making a will views did not change fundamentally, although there were some slight variations. More spouses thought that a wife should be entirely free than had thought so in relation to husbands. This was particularly so among husbands, of whom 47% considered that a wife should be entirely free when writing a will.

Some people did not give a direct answer to this question on the grounds that it would all depend on the circumstances, the main reason for this qualification was that the matter depended on whether the couple were happily married or not.

After the couple had given their opinion upon whether or not the will should make some provision for a surviving spouse, we asked them to choose between two different forms of protection. All spouses were asked this question whether or not they basically agreed with the idea of protection.

In some countries the law says that if a will is made, then the surviving spouse must be provided for in it. In other countries there is complete freedom in making the will, but the surviving spouse can ask a court to decide whether some extra provision should be made, if he or she feels unfairly treated under the will. Which do you think is the better system?

	Husbands	Wives
	%	%
Law to say spouse must be included in will	57	59
Court system for application if spouse feels unfairly treated	43	41
	<hr/> 100	<hr/> 100
Base	(1877)	(1877)

There was virtually no difference in the views of husbands and wives on this matter. Over half of spouses were in favour of the kind of protection under

which the survivor must receive something from the estate under the will. This result is of considerable interest since the protection at present available in England and Wales is through application to the court in cases where a surviving spouse claims that adequate provision has not been made for his or her maintenance in the will.

We asked the spouses why they selected the form of protection which they chose. There were two main reasons given for saying the spouse should by law be included in the will, firstly that it was just right and proper that it should be so, and secondly an expressed dislike of the idea of going to court.

Reasons given for preferring protection through inclusion in will (spouse)
(57% of husbands, 59% of wives)

	Husbands	Wives
Right and proper that it should be so	69%	66%
Dislike of the idea of going to court	36%	37%
Base	(1070)	(1107)

Some people gave both of these reasons, some gave other reasons.

Among spouses who preferred protection through the court there were four main reasons, again some people gave more than one reason. There was no overriding reason given.

Reasons given for preferring protection through the court (spouse)
(43% of husbands, 49% of wives)

	Husbands	Wives
Freedom of choice for the individual	32%	33%
Spouse may not deserve to be included	31%	29%
Spouse should have right to contest it	36%	37%
A fairer settlement can be reached	24%	24%
Base	(807)	(770)

These reasons expressed the idea that the court protection enabled the maximum flexibility. The person making the will would be free to decide whether the spouse was deserving or undeserving, but the survivor would have a right to contest the situation in case of unfairness.

8.2 Inheritance rights of children

Exactly the same issues as have just been discussed in terms of a spouse's right of inheritance were discussed with respect to sons and daughters.

When a father makes a will do you think he should be entirely free to distribute his possessions as he wishes, or should he be made, by law, to include all his sons and daughters in the will?

	Husbands	Wives
	%	%
Entirely free	69	65
Made to include offspring	21	26
Qualified answers	10	9
	<hr/>	<hr/>
Base	100	100
	(1877)	(1877)

	Husbands	Wives
	%	%
Entirely free	73	67
Made to include offspring	20	26
Qualified answers	7	7
	<hr/>	<hr/>
	100	100
Base	(1877)	(1877)

About two thirds of husbands and wives thought that parents should be entirely free with regard to children, when making a will. Between a fifth and a quarter felt that offspring should have to be included in the will. It is interesting to compare this with the attitudes recorded about inclusion of a spouse. In the case of a spouse a little over a half of the people interviewed felt that provision should be made. Thus many married couples felt the position with regard to children was different from that involving the marriage partner.

The reasons given for answering subject to qualification were that it depended on the age or dependency of the children, that it depended on the relationship between the parents and children and that it depended on whether one spouse was still surviving.

When asked which form of inheritance protection they would prefer two thirds of spouses considered that application to a court in cases of dissatisfaction would be the better method for the inheritance rights of children.

In some countries the law says that if a will is made then all sons and daughters must be provided for in it. In other countries, there is complete freedom in making the will, but the sons and daughters can ask a court to decide some extra provision should be made, if they feel unfairly treated under the will. Which do you think is the better system?

	Husbands	Wives
	%	%
Law to say children must be included in will	29	33
Court system for application if children feel unfairly treated	71	67
	<hr/>	<hr/>
	100	100
Base	(1877)	(1877)

As with inheritance rights of spouses we asked the married couples why they had selected the form of protection that they had. Among those who thought that children should have to be included in the will there were three main reasons.

Reasons given for preferring protection through inclusion in the will (offspring)
(29% of husbands, 33% of wives)

	Husbands	Wives
	%	%
Right and proper that it should be so	61%	65%
Dislike of the idea of going to court	25%	21%
Prevents arguments and disputes	15%	21%
Base	(544)	(619)

Among spouses who preferred protection for offspring through the court there were six major reasons given.

Reasons given for preferring protection through the court (offspring)
(71 % of husbands, 67 % of wives)

	Husbands	Wives
Freedom of choice for the individual	37%	34%
Offspring may not deserve to be included	29%	30%
Offspring should have a right to contest it	25%	23%
A fairer settlement can be reached	19%	19%
Only dependent children should have to be provided for	12%	13%
Offspring should have no special rights	9%	9%
Base	(1333)	(1258)

The reasons given about offspring mirror those given about spouses to a large extent, except that the reasons have the added dimensions of some people rejecting that offspring in general have any rights of inheritance.

8.3 Did choice of protection conflict with basic ideas on inheritance rights?

In the previous two sections the proportion of people preferring protection through an automatic right of inheritance rather than by recourse to the courts was approximately the same as the proportion who had earlier said they thought that there should be an automatic right of inheritance. In this section we examine the results in more detail to see what relationship existed between the two questions. There was some incompatibility in the answers, some of which is probably due to the form of the questions. When we asked people about rights of inheritance we put the problem in terms of a direct responsibility on the testator, although this was in fact an over simplification of the situation; "when a married man makes a will do you think he should. . . .". This put the problem to the informant from the point of view of the person making the will. When we asked people which of two forms of protection they preferred if there were to be inheritance rights, then the emphasis was switched to the survivor's point of view. Some people felt that the person making the will should be free to do as he pleased yet also felt that the survivor should have an interest. The fact that the two are incompatible did not deter them from answering in this way.

We first examine how people's choice of protection related to their ideas on inheritance rights. We then examined the reasons they gave for their choice of protection to see if this provided any extra information to explain the reasoning behind apparently incongruous answers.

For husbands who had said that there should be no inheritance rights the most compatible form of protection to choose was through the court since this operated only where complaints were raised. This form of protection was in fact chosen by nearly three-quarters of those husbands, a little more than a quarter chose the seemingly incompatible automatic protection. Among husbands who had said they thought there should be automatic inheritance rights three-quarters verified their original statement when choosing a form of protection, a quarter preferring protection through the court. Among those

Attitudes towards inheritance rights of a wife

	Thought there should be no rights	Thought there should be automatic rights	Qualified answers	Thought there should be no rights	Thought there should be automatic rights	Qualified answers
If rights exist would prefer protection to be:—	%	%	%	%	%	%
Automatic	28	76	46	30	77	38
Through the court	72	24	54	70	23	62
Base*	100 (593)	100 (979)	100 (198)	100 (544)	100 (1066)	100 (180)

who had given qualified answers regarding their views on inheritance rights the slight majority were in favour of protection through the courts.

For wives a very similar pattern of answers emerged except that rather more of the wives who had made qualified answers about inheritance rights opted for a system of protection through the courts.

The most apparently inconsistent were those who thought there should be no restriction on a man when he writes his will yet his wife should have automatic protection of inheritance rights. The other inconsistency is less severe, that is those who thought there should be automatic inheritance rights and then chose protection through the courts rather than automatic protection. We looked at their reasons for choosing a particular form of protection and compared them with those who had made seemingly consistent choices.

Reasons for choice	Those who thought there should be no rights yet chose automatic protection		Those who thought there should be automatic rights and chose automatic protection	
	Husbands	Wives	Husbands	Wives
Right and proper	62	62	71	68
Dislike of going to court	35	35	37	37
Base	(163)	(164)	(732)	(825)

The main reasons given were essentially the same. They provide no explanation for the apparent reversal of views.

The reasons for selection of protection through the court among those people who had expressed agreement with automatic rights, were more inclined towards those reasons suggesting that the court system had something to contribute towards operating inheritance rights, rather than the idea that the freedom of the individual should be retained.

These variations in reasons did not, however, explain all the apparently incompatible answers. We would therefore conclude that some people answered the two questions from different points of view and did not take into account that rights of inheritance and complete freedom cannot co-exist.

* Base numbers do not add to total sample because some people did not answer one or both of the questions.

Reasons for choice	Those who thought there should be automatic rights but chose protection through the courts		Those who thought there should be no rights and chose protection through the courts	
	Husbands	Wives	Husbands	Wives
Freedom of choice for the individual	18%	19%	44%	41%
Spouse may not deserve to be included	18%	24%	37%	31%
Spouse should have right to contest it	43%	41%	32%	32%
A fairer settlement can be reached	29%	28%	20%	21%
Base	(237)	(239)	(418)	(375)

9.0 MORE ABOUT INTESTACY

Not everyone makes a will before he or she dies, and as we saw in chapter 5 only 24% of husbands and 10% of wives currently had wills. We therefore spent some time during the interview discussing issues involved with intestacy. Earlier (Ch. 5) we presented the results of a general question about intestacy, showing that only three people could state in detail what the family position was with regard to intestacy, and they all had legal work connections. After this general question we asked more detailed questions and we present those results here.

We wanted to know what ordinary people would consider to be a fair distribution of property in the case of someone dying without a will. To do this we asked them about particular situations. Again, as with the questions about breakdown of marriage, we provided them with a card giving a range of possible outcomes. Again the husband and wife answered independently by stating the letter which denoted their choice.

The first situation which we presented was:

*"A man dies without making a will.
The total value of what he owned was
about £5,000. He leaves a wife and
three grown up sons. What do you
think should happen to the £5,000?"*

The range of possibilities presented on the card were:

*All to the wife
All to the sons
Half to the wife half to the sons
 $\frac{2}{3}$ to the wife $\frac{1}{3}$ among sons
 $\frac{1}{3}$ to the wife $\frac{2}{3}$ among sons
Equally shared among four
Some other arrangement*

The second situation which was presented was identical to the previous one except that the value of the estate involved was raised from £5,000 to £15,000. So as not to get side tracked by taxation discussions we stated that this was the value after death duties.

After the husband and wife had both given us their views of what would be fair in this situation we asked them whether they knew how the law would deal with the situation. The same range of solutions was given to each of the couple.

The third outline of a situation concerned a different aspect of the intestacy laws.

"A widow has £500 that she inherited from her husband. She has no children, but her mother is alive, and so are her husband's parents. If the widow dies without a will what do you think should happen to the £500?"

The range of solutions suggested were as follows:

All to the widow's mother

All to the husband's parents

$\frac{1}{2}$ to the widow's mother, $\frac{1}{2}$ to the husband's parents

$\frac{2}{3}$ to the widow's mother, $\frac{1}{3}$ to the husband's parents

$\frac{1}{3}$ to the widow's mother, $\frac{2}{3}$ to the husband's parents

Some other arrangement

Having asked the couple what they themselves thought was fair we again asked them whether they knew how the law would deal with such a situation. In section 5.3 we asked about general rules and set out the present law. Here we examine specific situations. The ranges presented on the cards were not as detailed as the intestacy laws themselves but they differentiate broadly in terms of whether people think that the estate should be inherited in its entirety or whether it should be shared. In the case of the £5,000 the wife would under present law inherit all the estate. In the case of the £15,000 the wife would inherit £8,750, the remainder, £6,250, would be halved; each son would immediately get a third share of one half, the other half would be held on trust for the mother during her life time and then be shared equally among the sons. In our simplified set of possibilities one half to the wife and one half to the sons was a very rough approximation to the legal situation. For anyone who wished to state the answer more explicitly when asked the legal position we recorded the answer verbatim. In the case of the widow the legal position would be that the entire estate would go to the widow's mother.

9.1 A man with a wife and three grown up sons dies without making a will

The laws of intestate succession say that if a spouse dies without making a will the first £8,750 goes directly to the surviving spouse if there is one. Any excess above this figure is halved, one half is distributed equally among the children, the surviving spouse has a life interest in the other half which is divided among the children on the death of the second spouse.

In our first questions we did not ask the couple what they thought the law was, but what they felt would be a fair settlement. We asked this about two levels of value to see what changes this might bring about in attitudes.

A man dies without making a will. He leaves a wife and three grown-up sons. What do you think should happen to the estate?

	An estate of £5,000		An estate of £15,000	
	Husbands	Wives	Husbands	Wives
All to wife	58	54	42	37
All to sons	17	23	19	24
$\frac{1}{2}$ to wife, $\frac{1}{4}$ to sons	13	13	21	22
$\frac{1}{3}$ to wife, $\frac{1}{3}$ to sons	3	1	5	4
$\frac{1}{4}$ to wife, $\frac{1}{4}$ to sons	4	6	6	9
Equally shared among 4	5	3	6	3
Other answers			1	1
Don't know				
Base	100 (1877)	100 (1877)	100 (1877)	100 (1877)

In the case of the lower value estate 58% of husbands and 54% of wives felt the wife should receive all the estate. This proportion was lower when the estate of £15,000 was considered. Here 42% of husbands and 37% of wives felt that the wife should receive the whole estate. Thus there was a change associated with value. More people thought the children should have a share when the value of the estate was higher.

There was a range of four possible ways of sharing suggested, of these two were more often considered to be reasonable settlements; that is a share of half to the wife and half to the sons, and two thirds to the wife and one third to the sons.

When considering the estate of £5,000 value 17% of husbands and 23% of wives felt that half to the wife and a half to the sons would be fair, 13% of spouses felt the wife should get two thirds of the estate and the sons one third between them. It is of interest to see that when the bigger amount of money was involved and the spouses more often felt some sharing should take place, it was predominantly one form of sharing that increased. The proportion of spouses thinking the shares should be two thirds to the wife and one third among the sons rose from 13% to 21%.

Having obtained the couples' own views on what would be a fair settlement we asked them what they thought the law would do in these circumstances. Although practically everyone had been prepared to tell us their own opinions on the matter a high proportion said they did not know what the legal position would be.

Over a fifth of spouses said they did not know what the law would be. Of all spouses a half stated that in the case of the smaller value estate the whole estate would pass to the wife. With so many people not knowing the law it is worth examining the answers of those who thought they did know to see what proportion were on the right lines. Of those spouses who claimed they knew the law over two thirds said the wife had the whole estate in the case of the smaller value. But in the case of the larger estate nearly a half of spouses who claimed they knew the law thought that again the wife would get the whole estate. Thus over a quarter of spouses who claimed they knew the law on this matter said there would be sharing of the smaller estate, when there would not, and nearly a half said there would be no sharing of the bigger estate when there would.

If one accepts, as a rough approximation to the intestacy situation for the larger estate, half to the wife and half to the sons then fewer than one in five of

You have told me your view of what should happen. Could you tell me how you think the law would deal with the situation?

	An estate of £5,000		An estate of £15,000	
	Husbands %	Wives %	Husbands %	Wives %
Don't know the legal position	23	24	24	26
Thought they knew the legal position.				
All to wife	52	51	37	35
All to sons				
$\frac{1}{2}$ to wife, $\frac{1}{2}$ to sons	9	9	12	13
$\frac{1}{3}$ to wife, $\frac{2}{3}$ to sons	6	6	12	12
$\frac{1}{4}$ to wife, $\frac{3}{4}$ to sons	2	2	5	4
Equally shared among 4	5	6	6	7
	3	2	4	3
Other answers				
Base	100 (1877)	100 (1877)	100 (1877)	100 (1877)
Those who thought they knew the legal position*				
	%	%	%	%
All to wife	68	67	48	47
All to sons				
$\frac{1}{2}$ to wife, $\frac{1}{2}$ to sons	11	11	16	18
$\frac{1}{3}$ to wife, $\frac{2}{3}$ to sons	8	9	16	16
$\frac{1}{4}$ to wife, $\frac{3}{4}$ to sons	3	3	6	5
Equally shared among 4	6	8	8	10
	4	2	6	4
Other answers				
Base	100 (1460)	100 (1393)	100 (1367)	100 (1341)

the people who claimed to know the law selected the appropriate solution. A small group of people said they thought it would be some arrangement other than the solutions we provided. We examined their answers in detail to establish how many were stating the correct, detailed intestacy situation.

There were in all, 98 people, some male some female, who gave more detailed comment, 75 of the answers were alternative methods of distribution and not more detailed explanations of intestacy, 23 of the answers did contain some more detail. These 23 answers fell into four groups where different aspects of the law were understood. In seven cases the person stated that the whole estate was put in trust for the widow for her life and then divided between the sons. In all the other cases the person thought the wife got a certain amount, or proportion and then something different happened to the residue. Two people thought the residue was divided between the four concerned, the widow and her three sons; four thought the residue was divided among the sons only, five thought the residue was all put in trust for the widow during her lifetime and then given to the sons, five said that the residue was halved, one half being given to the sons straight away and the other half held in trust for the wife for her lifetime; within this last group two people gave the correct figure for determining the residue. Thus even among those who attempted to define intestacy in detail only two were correct in applying it to the illustration put to them.

* i.e. excluding those people who said that they didn't know the legal position.

Some of the answers given incorporate levels of money or methods of distribution which used to be the legal system but are not currently the law. This highlights the problem of communicating changes in the law to the general public on matters which do not frequently come to their personal attention, for example the consequences of intestacy.

9.2 A widow with no children dies without making a will

This situation was somewhat more complicated for people to grasp. We were here asking about the kind of situation that does occur when the natural line of inheritance is broken. This is not the only situation in which this occurs, it can happen in cases of multiple marriage, but we used the situation of a married woman whose husband dies leaving her £500. She has no children and she later dies leaving no will. Her mother survives her and so do her late husband's parents. The laws of intestacy say that in this situation the widow's £500 goes to her mother, that is her nearest relative. We first asked the people who were interviewed what they themselves would consider to be fair. Very few were unable to give an opinion about this matter.

A widow has £500 that she inherited from her husband. She has no children, but her mother is alive, and so are her husband's parents. If the widow dies, without a will what do you think should happen to the £500?

		Husbands %	Wives %
Don't know		1	1
Widow's mother	Husband's parents		
All	—	21	15
—	All	6	6
A half	A half	56	61
Two thirds	One third	4	5
One third	Two thirds	6	8
Some other arrangement		6	4
		100	100
Base		(1877)	(1877)

The solution most frequently selected as fair was that the money should be equally shared between the two sides of the family, 56% of husbands and 61% of wives felt this was the fairest way. Taking all methods of sharing together 66% of husbands and 74% of wives felt that sharing between the families should occur. Thus wives were more frequently in favour of sharing than husbands. It may be that wives identified more closely with this particular situation. Between a fifth and a quarter of spouses felt the money should go to one side of the family only, this was predominantly to the widow's mother.

We followed that question with one asking whether they knew how the law would deal with the widow's situation. Again a high proportion of spouses said they did not know the legal position.

*You have told me your view of what should happen to the widow's money.
Could you tell me how you think the law would deal with the situation?*

		Husbands %	Wives %
Don't know the legal position		27	31
Thought they knew the legal position			
Widow's mother	Husband's parents		
All	—	34	29
—	All	5	7
A half	A half	21	21
Two thirds	One third	3	3
One third	Two thirds	4	5
Some other arrangement		6	4
		100	100
Base		(1877)	(1877)
		Those who thought they knew the legal position	
Widow's mother	Husband's parents	%	%
All	—	47	43
—	All	7	11
A half	A half	29	30
Two thirds	One third	4	4
One third	Two thirds	5	7
Some other arrangement		8	5
		100	100
Base		(1310)	(1255)

Over a quarter of spouses said they did not know the legal position on this matter. Among all husbands 34% said they thought it would go to the widow's mother and 28% thought it would be shared in some way. Among wives 29% thought it would go to the widow's mother and a further 29% thought it would be shared.

With so many spouses claiming no knowledge of the law it is of interest to look further at those who thought they knew. Among these spouses under half thought all the money went to the widow's mother.

As might be expected public knowledge about the laws of intestacy is less reliable in the more complicated situations. We recap over the three situations we discussed, firstly a man leaving £5,000, secondly a man leaving £15,000 and thirdly a widow with no children. In all three situations about a quarter of spouses did not know what the legal position was and were unprepared to hazard an opinion on the matter. Of those who were prepared to state what they thought the legal position was two thirds were correct in the case of the smaller estate. This is the simplest situation legally and covers the vast majority of cases of intestacy. Nearly half of those who thought they knew about the legal position did not think any sharing would take place in the case of the larger estate when in fact it would. In the case of the widow's money under half of those who thought they knew apparently did so. It was in this last situation of the widow's money that one found the largest change between what people considered to be fair and what they thought the legal position was.

PART. III FORMERLY MARRIED PERSONS

10.0 THE SITUATION OF FORMERLY MARRIED PERSONS

The results so far presented have all been concerned with married couples. It was a large part of our brief to find out how these couples were organising their lives in respect to matrimonial property and what their attitudes were to the basic issues involved. Except for the few spouses who had been married more than once, these people had not experienced the consequences of the end of a marriage, either by breakdown of the relationship or death of a partner. Since it is at this point that questions relating to the ownership of matrimonial property must be settled it was obviously of value to interview people who had had experience of this situation, that is people who were separated, divorced or widowed.

Selecting a sample of formerly married people poses some problems. They are a much smaller group in the population than married couples, and therefore to select a sample of them alone from a sample of addresses would be an expensive process, for so many of the addresses would contain no formerly married people. But since we were already using this method to select our married couples it was fairly straightforward to extend the definition of eligible to include the formerly married as well as the currently married.

There are of course other methods of selecting a sample of formerly married people. For example one could wish to select a sample of persons divorced in the period say two to five years prior to the time of the study; similarly with widowed persons. As far as separated persons were concerned this would be very difficult, for most of them are not legally separated. Although in theory this kind of design has some advantages in terms of being able to carry out a study among people with fairly recent relevant experience, it would be very difficult to contact such a sample, even if it could be selected. The addresses that would be available would be very out of date and would in any case concern a group of people who would be highly likely to have moved.

The main disadvantage of the method of sampling we used was that the number of formerly married people interviewed was comparatively small. We carried out 600 interviews with formerly married persons compared with 1877 interviews with married couples. Formerly married is a term which includes people of widely varying situation, so the 600 interviews included widowed people, divorced people and separated people. We show below how many interviews were achieved for these different groups.

Formerly married persons

Total number interviewed	600
Widowed : men	103
: women	383
Divorced : men	18
: women	29
Separated : men	24
: women	43

By far the largest group was that of widows. In the analyses which follow we show the results for four groups of formerly married persons, combining those who were divorced or separated, but maintaining a differentiation between men and women. In some specific situations more detail is investigated. The smallness of these groups does limit the range of analyses which can be carried out, but the data gives a broad indication of whether the views and situations of those who are formerly married are different from those who are currently married.

Before going on to the more detailed analysis we compare the age distribution of the formerly married with that of married couples.

Age	Widowed people		Divorced or separated		Married couples	
	Men %	Women %	Men %	Women %	Husbands %	Wives %
Under 20	—	—	—	—	1	1
20-29	—	—	10	19	14	19
30-39	1	1	14	18	21	21
40-49	6	7	29	17	22	23
50-59	12	16	26	25	20	18
60-69	31	28	19	13	16	13
70-79	36	33	2	8	5	4
80 or more	14	15	—	—	1	1
Base	100 (103)	100 (383)	100 (42)	100 (72)	100 (1877)	100 (1877)

People who were divorced or separated were not particularly different in terms of age distribution from married couples. Widowed people were, on the other hand, predominantly old; over three-quarters of them were over 60 years old, compared to under a quarter of this age among married couples. In view of the age distribution of the widowed population it is not surprising that there were some difficulties in obtaining co-operation for the interview.

10.1 Arrangements during the marriage

(a) *The matrimonial home* We first of all examined whether the tenure of the matrimonial home had been comparable between formerly married people and those who were currently married.

	Widowed people		Divorced or separated		Married Couples
	Men %	Women %	Men %	Women %	
Rented	55	58	57	61	45
Owned (or buying)	44	38	33	34	52
Not their own	1	4	10	5	3
Base	100 (103)	100 (383)	100 (42)	100 (72)	100 (1877)

Among formerly married people who had owned the matrimonial home about a third had owned it jointly, compared to over a half among married couples.

(b) *Money affairs in marriage*

Fewer of the formerly married had had a current bank account during their marriage than was the present situation among married couples. This was so whatever the reason for the end of the marriage.

	Widowed people		Divorced or separated		Married Couples
	Men %	Women %	Men %	Women %	
One or more bank accounts	39	37	36	40	53
No bank account	61	63	64	60	47
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Base	100 (103)	100 (383)	100 (42)	100 (72)	100 (1877)

Among those who did have one or more bank accounts about 30% of the formerly married people said that a joint account had been involved, among couples currently married the comparable proportion was 40%.

(c) *Ways of contributing towards matrimonial property*

Among formerly married women a higher proportion had never been employed during marriage. This applied to 25% of the divorced and separated women and 42% of the widows compared with 15% of wives.

It was not possible to ask formerly married people all the detail about the home that we asked married people, but we did ask about contribution to the major items such as the house, if they had owned it, the car, if they had one, and the furniture. First we show whether this kind of property was owned or not, then for those who owned such things whether the woman felt she had contributed or not.

	Widows (383)	Divorced or separated Women (72)	Wives (1877)
Proportion who owned:			
The home	38%	34%	52%
A car	33%	43%	59%
The furniture	all	all	all
Of those who owned such property the proportion who considered they had made a contribution towards it.			
The home	67%(143)	92%(24)	79%(965)
The car	40%(124)	68%(31)	57%(1098)
The furniture	73%(383)	82%(72)	85%(1877)

() denotes base figures.

We continue with more detailed analysis of the contribution made towards the furniture, this being the only kind of property that sufficient numbers of formerly married people had owned during marriage. We asked what kinds of contribution had been made towards the furniture. Various forms of possible contribution were shown on a card to the person being interviewed. One of these methods was the woman's own effort in the home. The other methods of contribution were financial.

Widows had contributed in similar ways to wives, except for contributions from money earned during marriage; 46% of widows had contributed in this way, compared with 70% of wives. Divorced or separated women said that they had contributed by their effort in the home much less often than did wives or widows.

Methods of contributing towards the furniture

	Widows (274)	Divorced or separated Women (59)	Wives (1556)
Money earned during marriage	46%	63%	70%
Savings from before marriage	27%	34%	26%
Gifts of money	12%	20%	18%
Inheritance	8%	8%	10%
Her effort in the home	53%	39%	53%

(d) *The management of household affairs*

We asked formerly married women what their attitudes had been towards financial matters during their marriage, that is whether they had been interested in money matters or whether they had preferred to leave such matters to their husbands. We could not in the formerly married situation ascertain whether or not the wife had been given the whole pay packet, so it has been assumed that in such circumstances the person would have said she was interested in financial matters.

	Widows %	Divorced or separated women %	Wives %
Given the pay packet	67	76	81
Interested in money matters	33	24	19
Left such things to husband			
	100 (383)	100 (72)	100 (1877)
Base			

The majority of women, whatever their marital status, took an interest in money matters during marriage but the proportion who left such things to their husbands was larger among divorced and separated women (24%) than among wives (19%) and larger still among widows (33%).

We asked married couples what they thought about the ownership of savings out of housekeeping money and we pursued this issue with all of the formerly married persons as well. First we asked what they themselves would consider to be fair and then we asked whether they knew the legal position.

Savings from housekeeping should belong to:—

	Widowed people		Divorced or separated		Married couples	
	Men	Women	Men	Women	Husbands	Wives
	%	%	%	%	%	%
The wife	67	60	62	61	52	47
The husband	2	2	—	2	2	2
Half each	31	38	38	37	46	51
	100	100	100	100	100	100
Base	(103)	(383)	(42)	(72)	(1877)	(1877)

Do you know the legal position?

	%	%	%	%	%	%
Yes	33	35	32	42	42	41
No	67	65	68	58	58	59
	100	100	100	100	100	100
Base	(103)	(383)	(42)	(72)	(1877)	(1877)

Among the widows who claimed they knew the law on this point 58% thought such savings belonged to the husband, which was the legal position until 1964, and 27% thought correctly that such savings belonged half to each spouse. Although the proportion of widows who claimed any knowledge on this point was lower than among wives, there was very little difference between them in the accuracy of the knowledge.

10.2 The end of the marriage

We asked those people whose marriages had come to end about the circumstances involved. We deal firstly with the situation of matrimonial breakdown, and secondly with the end of a marriage caused by the death of one partner.

(a) *Matrimonial breakdown*

Our sample consisted of those people who, at the time of our survey, were either divorced or separated, but were not re-married or living as married. As has already been shown 18 men were divorced and 24 were separated, 29 women were divorced and 43 were separated. Among those who were separated 6 men and 19 women had established their separation through a court, mainly through a magistrates court, of the remaining 18 separated men 14 were not planning to take any action. Of the 24 women whose separation was not legally established 13 were not planning to take any action. Thus quite a large proportion of those whose marriages had broken down, but who had not re-established themselves as married were not planning to take any steps to formalise their position. Such people can only be sampled by a method relying on searching in the population since they will not appear in any records of breakdown.

We asked all the people who were divorced or separated whether they knew about a spouse's opportunity to register a right of occupation of the matrimonial home introduced in the Matrimonial Homes Act 1967. In all, 87% did not know of this provision.

As the home is more often in the name of the husband rather than the wife, this provision is more likely to affect the woman in the event of a break-up, but we found that a lower proportion of divorced and separated women knew about this law, than was the case among the men.

Whether knew about registering right of occupation	Divorced or separated	
	Men	Women
	%	%
Knew	25	10
Did not	75	90
	<hr/>	<hr/>
Base	100 (42)	100 (72)

Among the divorced or separated men, 25% knew about this law, but this was so with only 10% of the women.

(b) *The death of a partner*

Most marriages come to an end, not by the breakdown of the relationship but by the death of a partner. We asked the surviving partner some details about the circumstances. First of all we asked whether their partner had left

a will or not. Where the husband was the survivor 83% of spouses had not left a will. Where the wife was the survivor 73% of spouses had not left a will. Making preparation in that way was thus very much a minority pattern of behaviour. Of those spouses who had left wills 70% or more had made their will through a solicitor. Of those who made their own, twice as many used a will form as used an ordinary piece of paper.

We asked all the surviving partners what the value of the estate had been, and in 41% of cases it had been under £100. In 63% of cases it had been under £500. In fewer than one in ten cases had the estate been over £5000.

As might be expected whether the partner had made a will or not was highly related to the value of the estate. The proportions varied from 4% where the value of the estate was under £100 to 69% where the estate was valued at £5000 or more.

	Value of estate				
	Less than £100	£100- £499	£500- £999	£1000- £4999	£5000- or more
Whether spouse had made will:	%	%	%	%	%
Had made will	4	10	33	53	69
Had not	96	90	67	47	31
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Base	100 (179)	100 (99)	100 (51)	100 (75)	100 (35)

Not only was there a strong relationship between the value of the estate and whether a will was made, there was also an association between making the will through a solicitor and the value of the estate. Where the estate was worth £5,000 or more 87% of the wills were drawn up through a solicitor.

	Those whose spouse had left a will			
	Value of estate			
	Less than £500	£500- £999	£1000- £4999	£5000 or more
Spouse had made will:	%	%	%	%
Through a solicitor	56	53	72	87
Self-made on a will form	28	29	23	9
Self-made on ordinary paper	16	18	5	4
	<hr/>	<hr/>	<hr/>	<hr/>
Base	100 (18)	100 (17)	100 (39)	100 (23)

One problem that sometimes arises in the event of the death of a spouse is the length of time it takes to settle the affairs. We asked the surviving spouse how long this had taken in his or her case, to see whether this problem was general or not.

Where the wife had died the affairs were settled within a month in 55% of cases. Where the husband had died 46% of cases were cleared within a month. This, of course, reflects the large proportion of very small estates.

Time taken to clear up spouse's affairs:	Widowed	people
	Men	Women
Up to and including 1 month	55%	46%
Over a month up to and including 3 months	20	25
Over 3 months up to and including 6 months	12	14
Over 6 months up to and including 1 year	5	7
Over 1 year	1	4
Not yet completed	7	4
	<hr/>	<hr/>
Base	100 (103)	100 (383)

We asked the surviving spouse who had carried out the administration of their partner's affairs. In some cases more than one person had been concerned.

Administration of spouse's affairs carried out by	Widowed people	
	Men	Women
Self	8%	13%
Close friend	45%	32%
Solicitor	17%	33%
Relative	5%	8%
Employer	7%	4%
Was in armed services	3%	2%
Nothing to settle	1%	4%
Base	(103)	(383)

Where it was the wife who had died, the administration of her affairs had most often been carried out by a close friend (45%), a solicitor being used in only 17% of cases. Where it was the husband who had died, a solicitor had been used in 33% of cases, and a close friend in 32%.

When asked whether there were any difficulties in getting their spouse's affairs settled, 9% of widows and 6% of widowers said that there had been. These were nearly all associated with the time that it took to settle the affairs, or about complications with insurance or investment.

Quite clearly the many estates of low value did not cause the surviving spouse very much trouble or difficulty. For the community at large the intricacies that can occur in complicated situations are practically unknown.

10.3 Making a will

We discussed with all the formerly married people whether they themselves had made wills and what their views were about doing so.

Have you ever made a will?	Widowed people		Divorced or separated		Married Couples	
	Men	Women	Men	Women	Husbands	Wives
Yes	40%	41%	31%	24%	24%	10%
No	60	59	69	76	76	90
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Base	100 (103)	100 (383)	100 (72)	100 (42)	100 (1877)	100 (1877)

People who had suffered the end of a marriage were more likely to have made wills than those who were currently married. The largest difference was among widowed people (particularly among the women), who were much older than the married couples. Among the married couples 38% of men in their 60's had wills, and 20% of wives; among the over 70's, 38% of husbands and 17% of wives had wills, in neither case was this as high as among widowed people.

Over two-thirds of those who had made wills had done so through a solicitor. As with married people who had made wills, few had had any difficulties.

Among those who had not made wills about three quarters felt that doing so was important. About two thirds of formerly married men thought they would make a will some day. The proportion was smaller among the women, especially the widows, of whom fewer than half said they would make a will. When asked how they would set about making a will if they wanted to, the predominant answer was that they would seek advice from a solicitor.

We asked the formerly married people whether they knew what the law says about the distribution of someone's property if he dies without making a will.

Laws of Intestacy	Widowed people		Divorced or separated		Married Couples	
	Men	Women	Men	Women	Husbands	Wives
Thought they knew	48	47	60	60	62	50
Did not know	52	53	40	40	38	50
	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
Base	(103)	(383)	(42)	(72)	(1877)	(1877)

Fewer of the widowed people and wives claimed to know the laws of intestacy than any of the other groups. We asked those people who said they knew what the law said, what they thought it did say.

Those who claimed to know the law

Property goes to:	Widowed people		Divorced or separated		Married Couples	
	Men	Women	Men	Women	Husbands	Wives
Next of kin	19	13	10	8	14	11
Spouse and/or children	54	64	67	74	56	61
Spouse, children, grandchildren etc. (some idea of extended family)	19	11	13	8	18	17
Some mention of it depending on the amount involved	8	12	10	10	12	11
	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
Base	(50)	(172)	(25)	(43)	(1043)	(866)

The widowed people's and the married couples' answers were very similar. Divorced and separated people had a higher proportion who said that the property went to the spouse, or to the spouse and children, than did the other two groups.

The rules governing intestacy are described in section 5.3, and there we mentioned that it is the last group which will contain any people who do know the intestacy laws. The replies of this group had been recorded verbatim, and these were examined. In chapter 5, we mentioned that only three people amongst all the married people in the sample knew what the law was. Among the 600 formerly married people, no-one knew what the laws of intestacy were. Two people knew most of the detail, but the level of the wife's sole inheritance was given as £5000, instead of £8,750.

11.0 FORMERLY MARRIED PEOPLE'S OPINIONS ON THE FUNDAMENTAL CONCEPTS OF MATRIMONIAL PROPERTY

In terms of the fundamental issues relating to matrimonial property we asked formerly married persons the same range of questions as those asked of married couples, that is general views about the ownership of the matrimonial home and its contents, financial settlement on the breakdown of marriage, laws governing rights of inheritance through wills, and settlements in cases of intestacy. Except that with formerly married people there was only one individual to interview at a time, all the other difficulties in asking these questions were present.

11.1 Ownership of the matrimonial home and contents

"Some people say that the home and its contents should legally be jointly owned by the husband and wife irrespective of who paid for it."

	Widowed people		Divorced or separated		Married couples	
	Men	Women	Men	Women	Husbands	Wives
Agree	% 88	% 92	% 67	% 79	% 91	% 94
Disagree	12	8	33	21	9	6
	100	100	100	100	100	100
Base	(103)	(383)	(42)	(72)	(1877)	(1877)

On this issue widowed people did not have views that were very different from those of married couples, but among people who were divorced or separated a much higher proportion disagreed with the idea of joint ownership of the matrimonial home irrespective of financial contribution. A third of divorced and separated men, and a fifth of divorced or separated women felt that such automatic joint ownership would not be a good idea.

As shown earlier for married couples, the major reason for disagreeing with joint ownership of the matrimonial home and contents, irrespective of financial contribution, was a feeling that ownership should be determined by contribution.

The next issue was whether or not a wife should be financially responsible for the joint home and contents if the husband was unable to keep up the payments.

We stipulated in the question that the wife had some money of her own to pre-empt the qualifications that would have resulted if the informants had been worrying about whether the wife would be in debt.

"Some people say that, if a wife had some money of her own, and the husband failed to keep up the payments for the joint home, then the wife should be legally responsible for continuing the payments."

	Widowed people		Divorced or separated		Married couples	
	Men	Women	Men	Women	Husbands	Wives
Agree	% 27	% 38	% 29	% 26	% 41	% 43
Disagree	44	37	43	49	32	30
Qualified answer	29	25	28	25	27	27
	100	100	100	100	100	100
Base	(103)	(383)	(42)	(72)	(1877)	(1877)

The views of widows were not very dissimilar from the views of husbands and wives, but among all the other formerly married people a higher proportion thought a wife should not have to be financially responsible if the husband did not keep up the payments for the joint home and contents. The highest proportion who felt this way was to be found among divorced or separated women. The reasons people gave for their views on this matter are shown below. The reasons given by widows were similar to those of husbands and wives; the other formerly married people varied somewhat.

Reasons for views	Widowed people		Divorced or separated		Married couples	
	Men	Women	Men	Women	Husbands	Wives
If things are owned jointly then responsibility must be shared	9%	2%	5%	6%	8%	6%
Marriage is a partnership so responsibility must be shared	24%	30%	35%	12%	28%	27%
It's the husband's duty to keep the wife	38%	30%	33%	44%	29%	21%
The wife would want to, but should not have to	5%	9%	12%	10%	4%	7%
She should be responsible if the husband is doing his best, but not if he's not	30%	34%	30%	33%	35%	39%
Depends on the circumstances, e.g. whether couple are happily married	8%	8%	8%	6%	9%	9%
Base	(103)	(383)	(42)	(72)	(1877)	(1877)

The two reasons for which there was considerable variation in views were "marriage is a partnership and therefore responsibilities are joint", and "it is the husband's duty to provide for the wife". Divorced or separated women, in particular, held rather different views from the other groups.

11.2 Settlement on breakdown of marriage

It was of particular interest to investigate whether formerly married people felt differently from married people on what would be a fair settlement financially on breakdown of marriage. We repeat the question asked so as to put the answers in the proper context.

Very few of the formerly married people could not give an opinion on this matter, their opinions were nearly unanimous in stating that some sharing should take place. The form of sharing most commonly in favour was half to each partner. Next we considered the situation where the husband had been working and the wife had been looking after the home.

It is explained on p. 68 that there was a high level of "don't know" answers among married couples on this question. Discarding the "don't know" answers, the proportion favouring sharing was over 90% in each case. However, it is interesting to observe the lower level of "don't know" answers among formerly married people. Perhaps it was easier for them to envisage the situation, and to formulate a view upon it.

"A married couple with no children, acquire during their marriage, a house on mortgage, the furniture, a car, and some savings—together worth about £3,000. Then, by mutual agreement, they decide to separate, and some financial arrangement has to be made."

(a) *"Supposing that both the husband and the wife have been earning during the marriage. What do you think should happen to the £3,000?"*

	Widowed people		Divorced or separated		Married couples	
	Men	Women	Men	Women	Husbands	Wives
All to husband	3	1	2	—	2	—
All to wife	2	1	2	—	2	—
In proportion to earnings	11	4	10	7	9	6
Half and half	81	85	81	90	72	75
1/3 to wife, 2/3 to husband	1	1	—	1	2	1
2/3 to wife, 1/3 to husband	1	2	—	2	1	1
Some other arrangement	1	2	5	—	3	2
Don't know	—	4	—	—	11	15
Base	100 (103)	100 (383)	100 (42)	100 (72)	100 (1877)	100 (1877)

(b) *"Supposing that the husband has been working and the wife has been looking after the home. What do you think should happen to the £3,000?"*

	Widowed people		Divorced or separated		Married couples	
	Men	Women	Men	Women	Husbands	Wives
All to husband	6	2	5	1	1	1
All to wife	3	4	—	1	2	1
Half and half	65	73	61	64	77	77
1/3 to wife, 2/3 to husband	12	7	15	21	10	11
2/3 to wife, 1/3 to husband	7	7	5	4	3	5
Some other arrangement	6	2	14	6	6	4
Don't know	1	5	—	3	1	1
Base	100 (103)	100 (383)	100 (42)	100 (72)	100 (1877)	100 (1877)

On the whole formerly married people were not so often in favour of an equal share when the husband was working and the wife looking after the home. For those people who themselves had suffered a marriage breakdown the proportion who favoured an equal division was just over 60%, compared with 80—90% who thought this would be fair if both partners were working.

Views on what should happen to the husband's inheritance from his grandfather were much the same among widowed people as among married people. Those who had themselves suffered a marriage breakdown were more likely to say this inheritance should all go to the husband. This was a particularly strong point of view among divorced or separated women.

All of the formerly married persons were more in favour of the wife having all of these savings than the married couples were; this was the view for 86% of the divorced and separated women compared with 70% among wives.

(c) "Still talking about the same couple, during the marriage the husband, in addition, inherited £500 from his grandfather. What do you think should happen to the £500?"

	Widowed people			Divorced or separated			Married couples	
	Men %	Women %		Men %	Women %		Husbands %	Wives %
All to husband	45	60		54	75		46	59
All to wife	—	1		—	1		1	1
Half and half	37	29		39	17		41	29
$\frac{1}{2}$ to wife, $\frac{1}{2}$ to husband	9	4	33	3	4	21	6	6
$\frac{1}{2}$ to wife, $\frac{1}{2}$ to husband	3	—		2	—		—	1
Some other arrangement	3	2		2	1		5	3
Don't know	3	4		—	2		1	1
	100	100		100	100		100	100
Base	(103)	(383)		(42)	(72)		(1877)	(1877)

(d) "Again still with the same couple, before the marriage the wife had saved £200, which she still has, what do you think should happen to the £200?"

	Widowed people			Divorced or separated			Married couples	
	Men %	Women %		Men %	Women %		Husbands %	Wives %
All to husband	—	1		—	—		1	1
All to wife	77	80		78	86		68	70
Half and half	16	14		22	11		26	24
$\frac{1}{2}$ to wife, $\frac{1}{2}$ to husband	1	—	15	—	1	12	3	3
$\frac{1}{2}$ to wife, $\frac{1}{2}$ to husband	2	1		—	—		—	—
Some other arrangement	1	—		—	—		2	1
Don't know	3	4		—	2		—	1
	100	100		100	100		100	100
Base	(103)	(383)		(42)	(72)		(1877)	(1877)

The problems of a settlement of financial affairs on breakdown of marriage were viewed rather differently by the formerly married, especially those having suffered marriage breakdown themselves. They were perhaps a little more realistic in approach to the questions than was possible for married couples. In addition, of course, the formerly married people were not being interviewed in the presence of their spouse, whereas for married couples being interviewed together may have had some effect on their answers.

11.3 Inheritance rights

We explained in section 9.0 the purpose of the questions on inheritance rights, the limitations imposed by the interview situation and the compromises that were reached. This issue is of course of particular interest with respect to those who have been widowed as they have already experienced the end of marriage by the death of their partner.

The views of widows were very much like those of husbands. Widows were more in favour of the spouse having an automatic right of inheritance, and they felt this more strongly than did the wives. As had been commented earlier, more freedom of action was left with a wife than with a husband. The views of divorced and separated men were quite different. They were very much in favour

of freedom for a spouse on this matter. It must be remembered that quite a number of people in this group were separated and thus any compulsion to include a spouse in the will would as far as they were concerned involve an estranged spouse.

"When a married man makes a will do you think he should be entirely free to distribute his possessions as he wishes, or should he be made, by law, to include his wife in the will?"

	Widowed people		Divorced or separated		Married couples	
	Men	Women	Men	Women	Husbands	Wives
	%	%	%	%	%	%
Husband should be entirely free	36	18	63	21	34	31
Should include wife	56	68	27	67	55	59
Qualified	8	14	10	12	11	10
Base	100 (103)	100 (383)	100 (42)	100 (72)	100 (1877)	100 (1877)
Wife should be entirely free	45	28	71	30	47	39
Should include husband	48	58	19	46	45	51
Qualified	7	14	10	24	8	10
Base	100 (103)	100 (383)	100 (42)	100 (72)	100 (1877)	100 (1877)

11.4 More about intestacy

In this section we examine what formerly married people's views were on the situations of intestacy described earlier in chapter 9 and compared their views with those of married couples. The first situation discussed was that of a man with an estate of £5,000 dying without making a will and leaving a wife and three grown up sons. This was followed by a discussion of a similar situation but with an estate of £15,000 value.

With regard to the £5,000 the widows and wives had very similar views on how the estate should be distributed, just over a half being in favour of the man's wife being the sole inheritor. Among divorced and separated women just under a half thought the man's wife should be the sole inheritor. Views were more varied among the men. Among husbands 58% thought the man's wife should be the sole inheritor; this compared with 62% of widowers who felt this way, and 42% of divorced or separated men who felt this way. Thus the divorced and separated men were the group most in favour of some sharing between the mother and her sons.

When the value of the estate was raised to £15,000, the same pattern was evident, but with more people in each group thinking that some form of sharing between the wife and sons should take place.

As well as asking those who were interviewed what they felt would be a fair distribution in the event of intestacy we also asked whether they knew the legal position. In all of the groups there was a high proportion who said they did not know the legal position.

"A man dies without making a will. The total value of what he owned was about £5,000. He leaves a wife and three grown-up sons. What do you think should happen to the £5,000?"

	Widowed people		Divorced or separated		Married couples	
	Men	Women	Men	Women	Husbands	Wives
An estate of £5,000	%	%	%	%	%	%
All to the wife	62	53	42	49	58	54
All to the sons	—	—	—	1	—	—
1/3 to wife, 1/3 to sons	12	23	15	21	17	23
1/3 to wife, 1/3 to sons	6	14	17	12	13	13
1/3 to wife, 1/3 to sons	2	1	7	3	3	1
Equally shared among four	7	5	12	11	4	6
Some other arrangement	10	2	5	3	5	3
Don't know	1	2	2	—	—	—
	100	100	100	100	100	100
Base	(103)	(383)	(42)	(72)	(1877)	(1877)
An estate of £15,000	%	%	%	%	%	%
All to the wife	39	32	27	29	42	37
All to the sons	—	—	—	1	—	—
1/3 to wife, 1/3 to sons	18	19	20	17	19	24
1/3 to wife, 1/3 to sons	18	25	20	21	21	22
1/3 to wife, 1/3 to sons	4	4	12	6	5	4
Equally shared among four	9	11	14	21	6	9
Some other arrangement	12	6	7	5	6	3
Don't know	1	3	—	—	1	1
	100	100	100	100	100	100
Base	(103)	(383)	(42)	(72)	(1877)	(1877)

The highest proportion of people who said they did not know the law occurred among the widows and the divorced or separated women. Among the men the widowers were the group with the highest proportion of people saying they did not know the legal position.

Proportion of people who said they did not know the legal position on intestacy

	Widowed people		Divorced or separated		Married couples	
	Men	Women	Men	Women	Husbands	Wives
An estate of £5,000	%	%	%	%	%	%
Said did know the law	65	55	75	60	77	76
Said did not know the law	35	45	25	40	23	24
	100	100	100	100	100	100
An estate of £15,000	%	%	%	%	%	%
Said did know the law	65	50	73	54	76	74
Said did not know the law	35	50	27	46	24	26
	100	100	100	100	100	100
Base	(103)	(383)	(42)	(72)	(1877)	(1877)

Amongst those people who thought they knew the law, the views with regard to the estate of £5,000 were remarkably similar between the groups, only a slight variation occurring on those who thought it would all go to the wife, which, in law, it would.

With an estate of £15,000 the law would, as explained in chapter 5, give the sons a share in the property. There was an increase in the proportion of people who said that some form of sharing would take place, particularly among the formerly married women. Only the divorced or separated men contained a majority of people who thought all of the £15,000 estate would go to the wife.

Those who thought they knew the legal position

	Widowed people		Divorced or separated		Married couples	
	Men	Women	Men	Women	Husbands	Wives
An estate of £5,000	%	%	%	%	%	%
All to the wife	62	62	65	65	68	67
All to the sons						
$\frac{1}{2}$ to wife, $\frac{1}{2}$ to sons	15	11	7	7	11	11
$\frac{1}{3}$ to wife, $\frac{1}{3}$ to sons	8	9	3	10	8	9
$\frac{1}{4}$ to wife, $\frac{1}{4}$ to sons	4	4	9	—	3	3
Equally shared among four	6	9	7	13	6	8
Some other arrangement	5	5	9	5	4	2
Base	100 (66)	100 (201)	100 (31)	100 (43)	100 (1460)	100 (1393)
An estate of £15,000	%	%	%	%	%	%
All to the wife	40	36	51	35	48	47
All to the sons						
$\frac{1}{2}$ to wife, $\frac{1}{2}$ to sons	12	20	14	13	16	18
$\frac{1}{3}$ to wife, $\frac{1}{3}$ to sons	17	26	9	26	16	16
$\frac{1}{4}$ to wife, $\frac{1}{4}$ to sons	9	4	7	2	6	5
Equally shared among four	8	6	9	18	8	10
Some other arrangement	14	8	10	6	6	4
Base	100 (65)	100 (184)	100 (30)	100 (39)	100 (1367)	100 (1341)

Thus, as with married couples, two thirds of formerly married people who thought they knew the law thought that all of the smaller estate would go to the wife, which it would, but over a third thought this would happen in the case of the larger estate, which it would not.

In addition to the intestacy situation involving the man's wife and his children, we also asked about the situation where there are no children. We used the situation of a widow with no children dying without having made a will. Again we asked first of all what people would consider to be fair, and secondly what they thought the legal position was.

Among the women in the three groups there were similar proportions who were in favour of all the £500 going to the widow's mother, or in favour of some arrangement for the husband's parents to share the money with the widow's mother; nearly three-quarters being in favour of some form of sharing.

Among the men there was, again, more variation. The men were more inclined to feel that the money should go solely to the widow's mother, and this was especially so among the formerly married men, (husbands 20%, divorced or separated men 27% and widowers 32%).

"A widow has £500 that she inherited from her husband. She has no children, but her mother is alive, and so are her husband's parents. If the widow dies without a will what do you think should happen to the £500?"

"What do you think should happen to the £500"

Widow's mother — Husband's parents		Widowed Men %	people Women %	Divorced or separated Men %	Women %	Married couples Husbands %	Wives %
All	— None	32	18	27	18	20	15
None	— All	3	5	5	4	6	5
Half	— Half	42	58	46	51	53	60
Two-thirds	— One-third	2	4	2	4	4	5
One-third	— Two-thirds	5	8	7	18	6	8
Some other arrangement		12	4	10	3	6	3
Don't know		4	3	3	2	5	3
Base		100 (103)	100 (383)	100 (42)	100 (72)	100 (1877)	100 (1877)

As with the previous question, when we asked what they thought the legal position was there were a lot of people who said that they didn't know.

Whether people said they knew the legal position or not

A widow with no children		Widowed Men %	people Women %	Divorced or separated Men %	Women %	Married couples Husbands %	Wives %
Said they:—		56	47	68	57	73	69
knew the law		44	53	32	43	27	31
did not							
Base		100 (103)	100 (383)	100 (42)	100 (72)	100 (1877)	100 (1877)

Within each group, a higher proportion of men than women thought they knew what the law said, and between the three groups this proportion was higher for the married couples than for the divorced or separated people, and in both these groups it was higher than for widowed people.

Those who said they knew the law

Widow's mother — Husband's parents		Widowed Men %	people Women %	Divorced or separated Men %	Women %	Married couples Husbands %	Wives %
All	— None	46	43	57	51	47	43
None	— All	9	9	3	4	7	11
Half	— Half	23	28	25	30	29	30
Two-thirds	— One-third	11	4	8	5	4	4
One-third	— Two-thirds	2	8	—	5	5	7
Some other arrangement		9	8	7	5	8	5
Base		100 (56)	100 (172)	100 (28)	100 (41)	100 (1310)	100 (1255)

Married couples and widowed people were very similar in what they thought the law would do with the £500. Divorced or separated people more often chose the correct solution, all to the widow's mother, than did their counterparts in the other two groups. At least a third of the people in each group, however, thought that some form of sharing would take place, which it would not.

On the other hand the divorced and separated women were not particularly different in attitude from wives and widows, in fact two thirds were in favour of automatic inheritance rights for wives.

The next issue was concerned with what form of protection of a spouse's inheritance would be preferred, given that some rights existed.

Protection of a spouse's inheritance rights	Widowed people		Divorced or separated		Married couples	
	Men	Women	Men	Women	Husbands	Wives
Automatic (in the will)	58	69	35	60	57	59
Through the court	42	31	65	40	43	41
Base	100 (103)	100 (383)	100 (42)	100 (72)	100 (1877)	100 (1877)

As might be expected from the previous results, it was the divorced or separated men who had different attitudes on protection and who were mainly in favour of a system of court protection rather than automatic protection.

The situation which caused most concern in forms of inheritance rights was where the marriage partners were estranged, and responsibilities were thereby uncertain.

We pursued the same questions with regard to whether formerly married people felt that children should have inheritance rights.

"When a father makes a will do you think he should be entirely free to distribute his possessions as he wishes, or should he be made, by law, to include all his sons and daughters in the will?"

	Widowed people		Divorced or separated		Married couples	
	Men	Women	Men	Women	Husbands	Wives
Father should be						
Entirely free	65	51	75	61	69	65
Should include children	27	38	15	34	21	26
Qualified answer	8	11	10	5	10	9
Base	100 (103)	100 (383)	100 (42)	100 (72)	100 (1877)	100 (1877)
Mother should be						
Entirely free	68	54	80	60	73	67
Should include children	25	38	15	34	20	26
Qualified answer	7	8	5	6	7	7
Base	100 (103)	100 (383)	100 (42)	100 (72)	100 (1877)	100 (1877)

The views of widowed men were not very different from those of husbands, but divorced or separated men were more in favour of freedom with regard to the inclusion of children in the parent's will. Although the majority of formerly married women preferred freedom for the parent on this issue it was among this group that the highest proportion (over a third) felt children should have an automatic inheritance right.

The views expressed in the above questions were reflected in the form of protection chosen, given that a right of inheritance for children existed.

Protection of children's inheritance rights	Widowed people		Divorced or separated		Married couples	
	Men	Women	Men	Women	Husbands	Wives
Automatic (in the will)	35	44	22	39	29	33
Through the courts	65	56	78	61	71	67
Base	100 (103)	100 (383)	100 (42)	100 (72)	100 (1877)	100 (1877)

All the groups were more in favour of protection through the courts than automatic protection but the groups in which the choice of automatic protection occurred most frequently were widows and divorced or separated women.

PART IV FURTHER ANALYSES AND DISCUSSION

12.0 THE PATTERN OF OWNERSHIP OF THE MATRIMONIAL HOME

Ownership of the matrimonial home has been very much influenced by the traditional role of the husband as provider. Although some of the matrimonial homes which are in the husband's name will have been arranged in that way for specific reasons, it is probable that many merely reflect the traditional pattern. Conversely, ownership in the wife's name or ownership in joint names is far more likely to be the result of conscious action or special circumstances.

In chapter 2.1, we said that of all couples who were owner-occupiers, 52% owned their home in joint names, 45% in the husband's name, and 3% in the wife's name. This chapter examines what factors, if any, are related to the pattern of home ownership.

Initially we examined whether the property was owned outright or in the process of purchase by mortgage. If it was owned outright we classify the method by which the property was acquired.

Acquisition of the home	Matrimonial home in joint names	Matrimonial home in husband's name only	Matrimonial home in wife's name only	All couples who were owner-occupiers
	%	%	%	%
Owned:—				
Bought outright	16	15	41	17
Inherited	1	4	24	3
Gift	1	1	2	1
Mortgage completed	16	20	16	18
Buying on mortgage	66	60	17	61
	100	100	100	100
Base	(509)	(412)	(49)	(980)*

Couples with joint ownership had a similar pattern of acquisition to those couples whose home was in the husband's name only. Where the home was in the wife's name, however, in two cases out of three the property had been acquired outright or inherited.

We next examined whether either of the couple had previously been married.

Previous marriages	Matrimonial home in joint names	Matrimonial home in husband's name only	Matrimonial home in wife's name only	All couples who were owner-occupiers
	%	%	%	%
Neither partner married before	93	90	63	90
Either or both partners married before	7	10	37	10
	100	100	100	100
Base	(509)	(412)	(49)	(980)*

* There were ten cases where ownership was not exclusive to the couple.

Where the home was owned in joint names there were marginally fewer couples where one or both partners had been married before, than was the case with ownership in the husband's name. Here again, the outstanding variation occurred where the home was owned in the wife's name; in over one-third of such cases, either or both of the partners had been married before.

Thirdly, we considered the employment situation of the wife during the marriage, comparing wives who had never been employed, those who had been employees, and those who had been self-employed or working for their husband.

Employment situation of wife	Matrimonial home in joint names	Matrimonial home in husband's name only	Matrimonial home in wife's name only	All couples who were owner-occupiers
	%	%	%	%
Wife never been employed	11	18	15	14
Wife been an employee	79	73	60	76
Wife been self-employed or worked for husband	10	9	25	10
	100	100	100	100
Base	(509)	(412)	(49)	(980)

Among joint owners, fewer of the wives had never been employed than among couples who owned the home in the husband's name. Again the greatest variation occurred among couples where the home was owned in the wife's name. In a quarter of these cases the wives were self-employed or working for their husband.

The couples whose home was in the wife's name were very different from the other two groups with respect to the factors examined. We examined this group more closely to see the extent to which these factors occurred in combination.

In nine out of ten cases the wife had either inherited the house, or bought it with an inheritance, or one or other spouse had been married previously, or the wife worked in the husband's business, or some combination of these. Also, in one or two cases advice had been given because of special circumstances such as the husband being away from home in the armed services, or the husband not being able to get a mortgage on health grounds. In only one in ten cases was there no information suggesting why the property was in the wife's name.

Where the home was in the wife's name we asked both husband and wife how they felt about the ownership of the home; 82% of husbands and 90% of wives thought of the home belonging to both of them rather than to the wife. We asked whether they had ever discussed having joint ownership and 84% said they had not.

Although there were some very clear determining factors as to why wives had the home in their name only, this did not deter the vast majority from considering that the home in fact belonged to both of them.

12.1 Who were the couples with joint ownership of the matrimonial home?

We have identified some of the special circumstances which lead to the home being put in the wife's name. These factors did not appear to have very much effect on the pattern of ownership as between those whose home was in joint

names and those whose home was in the husband's name. We now examine in detail the larger of these groups, comprising 52% of all owner-occupying couples, where the home was in joint names.

We had asked these couples what their reasons were for putting their home into joint names. We have already given these figures in chapter 2.1, but give them again here for convenience. Some couples gave more than one answer.

Reasons given for having joint ownership

Automatic transfer on death	51%
Belief in jointness of marriage	30%
Contribution by both spouses	25%
Death duty advantages	25%
Security and protection for both parties	14%
On professional advice	14%
Base	(509)

Just over half gave automatic transfer of the property on the death of one partner as a reason for their joint ownership. A belief in the jointness of marriage was mentioned by almost a third of these couples, and the fact of both spouses having contributed to the purchase was mentioned by a quarter of the couples, as was death duty advantages on the death of one partner. Other reasons given were the security and protection afforded by joint ownership, and that they had made their choice following professional advice.

We now examine whether the couples who had joint ownership had any common characteristics which differentiated them from other owning couples.

We first investigated whether the pattern of ownership varied depending on how long the couple had been married to each other.

Couple married in the:—	Proportion of couples who were owner-occupiers		Proportion of owner-occupiers who owned the home jointly	
		Base		Base
1920's or before	47%	(142)	44%	(67)
1930's	52%	(300)	51%	(156)
1940's	52%	(414)	48%	(213)
1950's	54%	(430)	55%	(233)
1960's	54%	(528)	56%	(288)
1970's	36%	(63)	39%	(23)
Total	52%	(1877)	52%	(980)

The length of marriage does not have a systematic effect on either ownership or joint ownership. The fact that there are fewer owner-occupiers among those couples married in the 70's is understandable since they had had little time to establish themselves by the date of the interview (Feb.-March 1971). The proportion of owner-occupiers who owned the home jointly was also more uncommon in this group. This might initially look as though there was a falling off in popularity of joint ownership as compared with the consistent level of

around 50% for couples married in earlier years. We examined the data that we had about these recently married couples to see if any special circumstances accounted for this result. In three quarters of the cases where the home was in one partner's name there were special circumstances.

The most frequent one was that the transaction to purchase the home had taken place before the marriage, a situation in which, from the legal point of view, joint ownership is less advisable. There was nothing to indicate that, given time, both the level of ownership and the pattern of ownership would not come into line with those of other couples.

We next examined the effect of social class† on ownership and joint ownership.

Social class:—	Proportion of couples who were owner-occupiers		Proportion of owner-occupiers who owned the home jointly	
		Base		Base
Professional & managerial	77%	(435)	56%	(335)
Skilled non-manual	63%	(203)	47%	(127)
Skilled manual	46%	(786)	50%	(357)
Semi-skilled non-manual	36%	(55)	55%	(20)
Semi-skilled manual	39%	(289)	53%	(112)
Unskilled	26%	(104)	52%	(27)
Total	52%	(1877)	52%	(980)*

As one would expect, home ownership and social class were related; 77% of professional and managerial couples owned their home, compared with 26% of couples where the husband was in unskilled employment.

Although there was a large association between social class and ownership, there was no systematic association between social class and joint ownership. The fact that neither length of marriage nor social class are related to joint ownership is of considerable interest. Where a change of view is taking place, for example the idea of joint ownership becoming more popular among the general public, one might have expected this change to take place at different rates among people at different stages of life, and different social classes, but this was not so. Since these personal factors had no appreciable association with joint ownership, we turned our attention to factors related to the purchase of the house, beginning with the date of its acquisition.

Year the present home was acquired:	Proportion of owner-occupiers who owned the home jointly	
		Base
1930's or earlier	20%	(44)
1940's	28%	(53)
1950's	41%	(200)
1960's	57%	(610)
1970's	74%	(70)
Total	52%	(978)

† Social class is based on the *Registrar General's Classification of Occupation*.
 * The total includes two couples for whom social class was not obtainable.

The date of acquiring the property is obviously of the utmost relevance when assessing the likelihood of it being in joint names. Joint ownership increased from 20% where the home was acquired in the 1930's or earlier, to 74% where it was acquired in the 1970's.

The fieldwork for this survey was carried out in the early spring of 1971. About fifteen months of the 1970's had elapsed. Since 74% of homes acquired in that period were in joint names compared with 57% over the decade of the 1960's there would appear to be a very rapid acceleration in property owned jointly. We therefore examined the 1960's and 1970's in more detail.

The 1960's and 1970's in detail

Year the present house was acquired:—	Proportion of owner-occupiers who owned the home jointly	Base
1960-61	51%	(72)
1962-63	47%	(96)
1964-65	52%	(127)
1966-67	57%	(140)
1968-69	69%	(175)
1970-71	74%	(70)

The rapid rate of increase in joint ownership is very much a phenomenon of the late 1960's and the 1970's.

We asked owning couples to give us a history of their house purchasing, in terms of the number of homes they had owned and whether or not they had been owned jointly. All couples who had ever had joint ownership were currently living in property that was in joint names; 81% of current joint owners had always had their property in joint names, 19% started with single name ownership, changed to joint and had never reversed the situation. Once a couple have their home in joint names they do not seem to change back to single name ownership later.

As commented in chapter 2, the opportunity for putting property in joint names arises, for practical purposes, only at the time of purchase. Since the process of change is towards joint ownership, one would expect there to be a difference in the proportion of couples with joint ownership among those who had been through the process of buying a house more than once.

Couples who had owned only one home were on the whole less likely to have joint ownership than those who were arranging ownership for the second or subsequent time. The increased rate of joint ownership in the late 1960's occurred earlier among those buying for the second or subsequent time.

Among couples who had owned more than one home and had bought the current one during the period 1968-71, the level of joint ownership was very high, over 80%. As the proportion of joint owners is so high, it is interesting to know whether or not the couples with ownership in one partner's name had particular reasons or special circumstances which made them decide against joint ownership. We examined in detail the cases where couples had owned more than one home and had bought the current one during the period 1968-71, but had not put it in joint names. In two thirds of these cases the couple had not discussed joint ownership. Among those who had discussed it the positive reasons for not having joint ownership were that the mortgage arrangement had been made in the husband's name before the couple discussed joint owner-

**Proportion of owner-occupiers who
owned the home jointly**

Year the present home was acquired	Had owned one home only		Had owned more than one home	
		Base		Base
1930's or earlier	21 %	(43)	—	
1940's	31 %	(45)	—	
1950's	42 %	(153)	36 %	(47)
1960's	51 %	(335)	61 %	(274)
1970's	66 %	(44)	89 %	(26)
Total	47 %	(620)	59 %	(356)

The 1960's and 1970's in detail

1960-61	50 %	(38)	60 %	(30)
1962-63	38 %	(53)	59 %	(42)
1964-65	46 %	(74)	60 %	(54)
1966-67	57 %	(82)	57 %	(59)
1968-69	58 %	(88)	81 %	(89)
1970-71	66 %	(44)	89 %	(26)

ship, or that the mortgage arrangement required the husband to be the owner. In one case the reason was a business one, for the husband sometimes needed to raise a loan on the house and felt he could only do this if it was in his name. Thus most of the people in this group had practical and circumstantial reasons for not having joint ownership. These results suggest that the number of couples who would wish to opt out of a system where joint ownership was the general pattern is small.

When a house is sold the conveyance is usually drawn up by a solicitor; in some cases one solicitor acts for both parties but frequently the buyer and seller have separate solicitors. In these cases the would-be purchasers have the opportunity of a solicitor's advice on the method of purchasing, whatever their age and whatever their background. The solicitor is in a unique position to communicate the advantages and disadvantages of various types of ownership, and this is confirmed by other results.

The accelerated rate of increase of properties bought in joint names occurred at about the time of the introduction of the Matrimonial Homes Act 1967, and continued thereafter. At this time there were many discussions in the legal press as to the consequences of the new Act,[†] and the extent of the solicitor's responsibilities towards the wife of the purchaser of a matrimonial home.* There were differing views on these questions and considerable discussions in the legal press. In the Council Notes in the Law Society Gazette, January 1968, three situations are listed as ones where no problems from the new Act would arise. The first of these was where the couple own the matrimonial home in joint names.

[†] One doubt under the 1967 Act, which was cleared by the Matrimonial Proceedings and Property Act 1970, was whether a wife who had contributed something to the purchase price but was not a joint owner was entitled to the protection of the Act.

* The problem was whether the wife should be advised of her right to register notice of her occupation rights under the Act, and so in effect prevent her husband from selling over her head. This problem would not arise if she was a joint owner since she would have to be a party to the sale.

The survey results indicate that the discussions which took place during 1967 and 1968, and the doubts on the effect of the new legislation, probably had a marked effect on the pattern of home ownership in the ensuing years.

Concurrent with the enactment of the 1967 Act there was also considerable doubt and discussion as to what amounted to a contribution so as to give rise to an interest in the home, and whether if the wife had made some contribution it was preferable to arrange joint ownership rather than risk her having to establish her interest through the courts.† We examined the survey results with regard to joint ownership, according to the date of purchase and whether or not the wife claimed to have made any financial contribution to the home.

Year the home was acquired	Proportion of owner-occupiers who owned the home jointly			
	Wife said she made no financial contribution to the matrimonial home		Wife said she made some financial contribution to the matrimonial home	
		Base		Base
1930's or earlier	24 %	(29)	21 %	(14)
1940's	22 %	(23)	34 %	(29)
1950's	32 %	(79)	47 %	(118)
1960's	49 %	(180)	61 %	(422)
1970's	53 %	(17)	81 %	(52)
Total	41 %	(328)	58 %	(635)
The 1960's and 1970's in detail				
1960-61	48 %	(31)	54 %	(41)
1962-63	45 %	(29)	49 %	(63)
1964-65	46 %	(37)	55 %	(87)
1966-67	39 %	(38)	64 %	(101)
1968-69	64 %	(45)	71 %	(131)
1970-71	53 %	(17)	81 %	(52)

The results showed that the proportion of homes in joint names is in general higher among couples where the wife had made some financial contribution. In this group the proportion of properties in joint names had accelerated very quickly during the last years of the 1960's and in the 1970's. As with the earlier results, it would seem that the attention being given to the legal position of spouses in the late 1960's may well have contributed to the change that took place in the pattern of ownership.

Among couples where the wife had contributed to the home, and the home had been acquired in the period 1968-71, there was a high proportion of joint ownership. Again, it is interesting to know whether any special circumstances were present which might explain why joint ownership was not chosen by the relatively few couples who owned their home in one partner's name, and so we examined in detail the cases where the wife had contributed towards the house, which although acquired in the period 1968-71 had not been put in joint names. In a half of these cases the couples had not discussed joint ownership. The range of positive reasons given for not having joint ownership were that the wife was under age at the time, that the spouses were in different localities at the

† e.g. "The matrimonial home": *The Law Society's Gazette*, May 1966.

time and it would have slowed down the purchase, or that the mortgage arrangements had already been made before joint ownership was discussed. In some cases there was doubt as to whether joint ownership was possible with some forms of mortgage. In other cases the couple could see no benefit in joint names since the wife was already protected either by an endowment policy or by the intestacy laws, and death duties seemed irrelevant. In some cases they acted on advice not to have joint ownership. These details give some idea of the attitudes of those couples who did not have joint ownership although they had purchased recently and the wife had made some contribution.

In summary the survey results showed that the factors associated with joint ownership of the matrimonial home were not those related to the couple themselves, such as length of marriage and social class. Instead they were factors relating to the circumstances of purchase of the home; the year the present home was acquired, the number of times the couples had been through the process of buying a house and whether the wife had made any financial contribution to it.

The undoubted trend towards joint ownership results from a combination of these factors, but it is doubtful whether these would have played such a big part in the recent upsurge in the trend to joint ownership had it not been for the considerable amount of attention being given to the rights of spouses by the legal profession during the late 1960's. The rapid rate of increase in joint ownership at that time could not be a mere coincidence, given the comments that were being circulated. In this situation it seems that the solicitor acted as a catalyst on the increase in the rate of joint ownership.

Thus in the process of providing a system of rights of occupation for spouses an important side effect has been encouragement towards joint ownership, and spouses currently share the legal title to the property who otherwise would not. This may or may not be a bad thing but it does illustrate the need to monitor the changes which take place as the result of new legislation.

13.0 THE WIFE'S EMPLOYMENT POSITION DURING MARRIAGE

There were in all 15% of wives who said they had never been employed during their present marriage. We examined the survey data to see what characteristics if any those wives had in common. There were four factors which were important, some of which overlapped: the length of the marriage, the age of the woman, the number of children she had, and whether either partner had previously been married.

The youngest wives and the oldest wives were the most likely to have not been employed at all during marriage. Many of the former had family commitments, and the latter were married at a time when the employment of married women was not so common as today. The date of marriage shows a similar picture, for age is highly correlated with length of marriage. The number of children, as such, only becomes markedly important in very large families. With the number of children fewer than five there is little difference, even between those with children and those without. It is not in fact the number of children which affects whether a wife is employed at all during her marriage but her family spacing. The whole question of when married women may be available for employment is very complex and cannot be pursued in depth here. The other factor which was associated with the proportion of wives who had not been employed during marriage was whether this marriage was the first or not.

Proportion of wives who had never been employed during this marriage

Age of wife		Base	Date of marriage		Base
Under 20	26%	(19)	1920's or earlier	34%	(137)
In her 20's	11%	(358)	1930's	20%	(299)
In her 30's	8%	(385)	1940's	13%	(412)
In her 40's	10%	(424)	1950's	10%	(430)
In her 50's	15%	(343)	1960's	11%	(525)
In her 60's	29%	(245)	1970's	24%	(62)
In her 70's or over	43%	(78)			

Number of children		Base	Previous marriages		Base
None	13%	(335)	Husband only remarried	20%	(69)
One	13%	(435)	Wife only remarried	22%	(67)
Two	13%	(574)	Both remarried	25%	(67)
Three	15%	(278)	Neither previously married	14%	(1664)
Four	15%	(132)			
Five	30%	(53)			
Six or more	37%	(57)			

We examined social class to see if this had any bearing on employment but it had little; the proportion was only different among the wives whose husbands were in unskilled jobs, in this group a quarter of wives had never been in paid employment during their marriage, as compared with an average of 15% for all wives.

As well as identifying which wives were most likely never to have been employed during their current marriage we examined what their property position was compared with wives who had been employed during marriage. The wives who had been employed were divided into two groups according to whether their employment had mainly been as an employee, or mainly self-employed including working for their husband in his business.*

Ownership of the matrimonial home occurred as frequently among couples where the wife had never been employed during marriage as where she had been an employee. Home ownership occurred much more often among couples where the wife had been self-employed or worked for her husband. Throughout this analysis the results showed these couples to have more property. Joint ownership of the home occurred least often among owners where the wife had never been employed during marriage.

In terms of car ownership there were considerable differences with varying employment situations. Among couples where the wife had never been employed during marriage 43% owned cars, where the wife had been an employee 61% owned cars and where she had been self-employed or worked for her husband 83% owned cars. The low car ownership in the first group is to some extent a reflection that never having worked was associated more highly with the oldest wives, as well as a reflection of less earning capacity.

The existence of a current bank account varied in the same kind of way as the car ownership. Among those couples who had accounts we examined whether there was any variation in the pattern of whose name the account was in, but there was virtually none.

* Although the two categories included in this last group were not necessarily the same pattern, on their own they would constitute groups too small to consider separately, and are sufficiently different from employees to be a separate group.

**Property position of wives according to whether they had
been employed during this marriage**

	Wives who had <i>never</i> been employed during their present marriage	Wives who had been employees during their present marriage	Wives who had been self- employed or had worked for their husband
	(276)	(1468)	(121)
Matrimonial home	%	%	%
Not owned	51	50	17
Owned, not jointly	30	23	42
Owned jointly	19	27	41
	100	100	100
The car	%	%	%
Owned	43	61	83
Not owned	57	39	17
	100	100	100
Current bank account	%	%	%
Couple have:—			
At least one	41	53	87
None	59	47	13
	100	100	100
Of those with accounts	(112)	(777)	(105)
	%	%	%
Husband's name only	39	36	36
Wife's name only	3	7	4
Each have one	20	17	23
Joint account*	38	40	37
	100	100	100
Wife's possessions before marriage	%	%	%
Had some savings	41	53	60
Did not	59	47	40
	100	100	100
Wife's interest in money matters	%	%	%
Is given the pay packet	7	5	3
Likes to know about them	64	78	73
Leaves such things to husband	29	17	24
	100	100	100
Pattern of ownership of assets other than home and bank account	%	%	%
Husband's name only	10	7	11
Wife's name only	4	4	—
Both have some, none joint	61	59	53
Joint and individual	25	30	36
	100	100	100

* With or without other individual accounts.

**Property position of wives according to whether they had
been employed during this marriage—continued**

	Wives who had never been employed during their present marriage	Wives who had been employees during their present marriage	Wives who had been self- employed or had worked for their husband
	(276)	(1468)	(121)
Value of assets (other than the home and current account) in joint names	%	%	%
Less than £25	79	75	69
£25-99	3	5	3
£100-499	9	9	4
£500-999	4	5	3
£1,000-9,999	5	6	15
£10,000 or more	—	—	6
	100	100	100
In the husband's name	%	%	%
Less than £25	32	25	8
£25-99	18	18	2
£100-499	23	25	15
£500-999	9	11	15
£1,000-9,999	13	19	47
£10,000 or more	5	2	13
	100	100	100
In the wife's name	%	%	%
Less than £25	46	40	31
£25-99	19	22	10
£100-499	20	24	20
£500-999	7	7	16
£1,000-9,999	7	7	17
£10,000 or more	1	—	6
	100	100	100
In total	%	%	%
Less than £25	12	10	4
£25-99	16	13	2
£100-999	27	28	5
£500-999	15	18	11
£1,000-9,999	24	28	44
£10,000 or more	6	3	34
	100	100	100

We examined whether there was any variation in the proportion of wives who had had some savings of their own at the time of marriage, and the proportion was lowest among the wives who had never been employed during marriage.

The wife's interest in money matters varied a little; the highest proportion who left such things to their husbands occurred among those who had never been employed during marriage; this attitude occurred least frequently among wives who had been employees at some stage during their marriage.

In terms of ownership of assets such as savings, investments, other property or businesses the pattern of ownership was not very different according to whether the wife had never been employed, or been an employee. In couples where the wife had been self employed, or had worked for her husband, there was some difference, indicating a rather wider range of business interests. This was further illustrated by the distribution of estimated value for assets shown in terms of whose name the assets were in.

However, among wives who had never been employed during marriage and those who had been employees there was remarkably little difference in the distributions of value. This was mainly because many married couples do not have large financial assets.

We next examined what effect the employment situation of the wife had on her contribution towards matrimonial property since one form of contribution, earning during marriage, was not feasible for one group of wives. As might be anticipated the effect of employment on contribution was considerable. In terms of owner-occupying couples, contribution was made by eight out of ten wives who had been employed but only six out of ten of those who had never been employed during marriage (see page 88).

In terms of financial contribution the difference was even greater since the method of contributing by effort in the home was the major source of contribution for those wives who had never earned during marriage. The pattern was very similar for the car, the furniture and other large household items.

We next examined whether attitudes towards matrimonial property varied according to whether or not the wife had been in paid employment during the marriage (see pages 89 & 90).

The first issue we considered in this way was whether a wife should legally be financially responsible if the husband did not keep up the payments for the joint home and contents.

There was very little variation in views on the financial responsibilities of a wife whatever the employment situation. The only variation occurred among couples where the wife had been self employed or worked for her husband. These couples were more of the opinion that a wife should be financially responsible for the home and contents if the husband did not continue payment.

One of the series of questions in the interview was about people's views on what would be a fair settlement in the situation of a breakdown of marriage given certain conditions. Although one of the conditions was that both spouses were earning, and another was that the husband was working and the wife was looking after the home, the attitudes of husbands and wives varied very little according to the wife's employment situation.

Similarly with the issues of a wife's inheritance rights and what was considered to be a fair settlement on intestacy, there were no major variations between those who had never been employed and those who had been (or were) employees. Among the couples where the wives had been self-employed or had worked for their husbands there was a more predominant view in favour of automatic rights of inheritance for the wife, and sole inheritance by a surviving wife in the case of intestacy.

There were thus few major differences in the pattern of ownership for wives who had never been employed. Such couples were less likely to own the home jointly, less likely to own a car or have a bank account, but their pattern of ownership of other assets was similar to that of wives who had been employees during marriage. Naturally the contribution picture was affected since those

The wife's contribution to matrimonial property

	Wives who had never been employed during their present marriage	Wives who had been employees during their present marriage	Wives who had been self- employed or had worked for their husbands
Of those who owned the home	(130)	(733)	(100)
Contributed	% 61	% 83	% 80
Did not	39	17	20
	100	100	100
Of those who contributed			
Methods:—	(79)	(605)	(80)
Earnings during marriage	—%	76%	55%
Savings from before marriage	27%	36%	21%
Gifts of money	18%	23%	21%
Inheritances	24%	13%	21%
Effort in the home	81%	70%	74%
Of those who owned a car	(118)	(896)	(100)
Contributed	% 33	% 60	% 59
Did not	67	40	41
	100	100	100
Of those who contributed			
Methods:—	(35)	(530)	(59)
Earnings during marriage	—%	79%	57%
Savings from before marriage	23%	12%	16%
Gifts of money	20%	10%	10%
Inheritances	29%	8%	26%
Effort in the home	63%	32%	40%
Furniture	(276)	(1468)	(121)
Contributed	% 70	% 88	% 81
Did not	30	12	19
	100	100	100
Of those who contributed			
Methods:—	(184)	(1369)	(97)
Earnings during marriage	—%	74%	59%
Savings from before marriage	20%	24%	27%
Gifts of money	21%	16%	14%
Inheritances	15%	7%	25%
Effort in the home	73%	47%	50%
Other large household items	(276)	(1468)	(121)
Contributed	% 54	% 80	% 74
Did not	46	20	26
	100	100	100
Of those who contributed	(138)	(1139)	(89)
Methods:—			
Earnings during marriage	—%	81%	58%
Savings from before marriage	17%	15%	9%
Gifts of money	14%	12%	15%
Inheritances	12%	5%	18%
Effort in the home	77%	46%	52%

() denotes base figures.

Attitudes to matrimonial property according to whether the wife had been in paid employment during this marriage

Attitudes to matrimonial property <i>"Some people say that, if a wife had some money of her own, and the husband failed to keep up the payments for the joint home, then the wife should be legally responsible for continuing the payments."</i> (see page 38)†	Wives who had never been employed during their present marriage (276) H % W %	Wives who had been employees during their present marriage (1468) H % W %	Wives who had been self-employed or had worked for their husbands (121) H % W %
A wife should be financially responsible	38 44	41 43	50 45
A wife should not	36 33	32 30	20 20
Qualified answers	26 23	27 27	30 35
	100 100	100 100	100 100
Financial settlement on breakdown			
(i) <i>"Supposing that both the husband and the wife have been earning during the marriage. What do you think should happen to the £3,000?"</i> (see page 42)†	H % W %	H % W %	H % W %
In proportion to earnings	10 7	9 5	9 5
Half and half	66 75	72 75	79 79
Other answers	10 6	8 4	5 7
Don't know	14 12	11 16	7 9
	100 100	100 100	100 100
(ii) <i>"Supposing that the husband has been working and the wife has been looking after the home. What do you think should happen to the £3,000?"</i> (see page 43)†	H % W %	H % W %	H % W %
Half and half	74 77	76 76	83 78
Other answers	25 20	22 24	15 21
Don't know	1 3	2 —	2 1
	100 100	100 100	100 100
(iii) <i>"During the marriage the husband, in addition, inherited £500 from his grandfather. What do you think should happen to the £500?"</i> (see page 44)†	H % W %	H % W %	H % W %
All to husband	49 60	45 59	50 63
Half and half	39 26	41 29	43 28
Other answers	10 11	13 11	4 7
Don't know	2 3	1 1	3 2
	100 100	100 100	100 100
(iv) <i>"Before the marriage the wife had saved £200, which she still has. What do you think should happen to the £200?"</i> (see page 44)†	H % W %	H % W %	H % W %
All to wife	74 70	66 70	72 73
Half and half	20 22	27 24	26 23
Other answers	4 6	6 5	2 3
Don't know	2 2	1 1	1 1
	100 100	100 100	100 100

continued.

	Wives who had never been employed during their present marriage		Wives who had been employees during their present marriage		Wives who had been self-employed or had worked for their husband	
	(276)		(1468)		(121)	
Inheritance rights of a wife when a husband makes a will (see page 47)†	H %	W %	H %	W %	H %	W %
No rights (husband is entirely free)	33	28	34	32	21	23
Automatic rights (wife must be included)	58	62	54	58	70	68
Qualified answers	9	10	12	10	9	9
	100	100	100	100	100	100
A fair settlement for intestacy (Estate of £5,000 with a wife and three grown up sons) (see page 54)†	H %	W %	H %	W %	H %	W %
All to the wife	54	51	58	52	64	72
Shared with sons	39	43	38	45	33	24
Other answers	7	6	4	3	3	4
	100	100	100	100	100	100

who had not worked during marriage could not contribute by earnings, and these groups were more likely to feel that they had made a contribution by their effort in the home. Opinions on the issues which are fundamental to discussions of matrimonial property attitudes were no different among those who had never been employed during marriage than among those who had been employees.

14.0 WHO ARE THE PEOPLE WHO HAVE MADE WILLS?

In chapter 5 we showed how many husbands (24%) and how many wives (10%) had made wills. In this chapter we examine more closely the characteristics of people who make wills. To simplify the presentation we have combined the husband's answer with that of his wife to give the position of the couple.

Whether the couple had made wills

	%
Both husband and wife	9
Husband only	15
Wife only	1
	25
Neither husband nor wife	75
	100
Base	(1877)

† The distributions for all husbands and all wives will be found on these pages.
() denotes base figures.

For a quarter of the couples one or both of the partners had made a will, for three-quarters of the couples neither of them had. It was unusual for the wife alone to make a will, this only occurred in one percent of couples.

One factor likely to be associated with making a will is, of course, age. We present the situation with respect to the age of the husband. The results are similar to those with respect to the age of the wife.

	Husband's age						All ages
	16-29	30-39	40-49	50-59	60-69	70 and over	
Will made by	%	%	%	%	%	%	%
Both husband and wife	—	4	5	11	19	24	9
Husband only	7	8	17	24	19	14	15
Wife only	—	—	1	1	1	3	1
	7	12	23	36	39	41	25
Neither husband nor wife	93	88	77	64	61	59	75
	100	100	100	100	100	100	100
Base	(261)	(395)	(420)	(374)	(290)	(124)	(1877)

The proportion of couples where one or both partners had made a will did increase with age. It rose from 7% of couples where the husband was under 30 to 41% of couples where the husband was 70 or more. But the variation with age was perhaps less strong than might have been anticipated.

We looked next at the social class of the couples, and here also we found some association with making a will. The professional and managerial class contained a much higher proportion of couples where one or both partners had made a will than did the other social classes. In fact the variation among the other groups was not very great.

	Social Class					Unskilled
	Professional and managerial	Skilled non-manual	Semi-skilled non-manual	Skilled manual	Semi-skilled manual	
Will made by	%	%	%	%	%	%
Both husband and wife	18	10	5	5	6	2
Husband only	24	16	17	14	9	9
Wife only	—	1	—	1	2	2
	42	27	22	20	17	13
Neither husband nor wife	58	73	78	80	83	87
	100	100	100	100	100	100
Base	(435)	(203)	(55)	(786)	(289)	(104)

The proportion of couples in the lower social classes who had made a will was quite high. However, wills made while in the armed services had been included, and so excluding service wills we re-examined the relationship with social class.

Couples who had made a will, other than wills made in the services

Social Class

	Professional and managerial	Skilled non- manual	Semi- skilled non- manual	Skilled manual	Semi- skilled manual	Unskilled
	%	%	%	%	%	%
Couples who Have made a will	39	24	10	13	12	9
Have not	61	76	90	87	88	91
	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
Base	(408)	(191)	(47)	(714)	(267)	(97)

A major reason people gave for having made a will was that they had acquired sufficient property to warrant it. One thing that will constitute a large proportion of most couples' property is the matrimonial home; further to this is the question of who owns the matrimonial home.

	Matrimonial home is:—		Matrimonial home is owned in the:—		
	not owned	owned	husband's name	wife's name	joint names
	%	%	%	%	%
Will made by					
Both husband and wife	3	14	11	40	13
Husband only	12	18	24	6	15
Wife only	1	1	1	11	1
	<u>16</u>	<u>33</u>	<u>36</u>	<u>57</u>	<u>29</u>
Neither husband nor wife	84	67	64	43	71
	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
Base	(897)	(980)	(412)	(49)	(509)

As could be expected more couples who were owner occupiers had made wills than had couples who were not, 33% compared with 16%. Among owner-occupiers there was a considerable variation with the pattern of ownership. The lowest proportion of these couples with wills was amongst the joint owners. This is perhaps not surprising since with joint ownership the surviving spouse automatically becomes the sole owner on the death of the other partner. Thus in terms of the home the pattern of ownership at the end of the marriage is determined independently. It is a fairly unusual situation for the matrimonial home to be owned in the name of the wife, but where this does happen there is a high proportion of couples who have wills, (57%). This is the only situation in which we found more wives than husbands with wills.

While considering ownership of the matrimonial home we examined whether the estimated value of the house was associated at all with whether the couple had made a will or not.

There was a large variation in the proportion of couples with wills according to the estimated value of the matrimonial home. This proportion ranged from 16% where the value was under £2,000 to 40% where the value was £6,000-7,999 and then jumped to 66% where the estimated value of the matrimonial home was £8,000 or more. Value was evidently of importance at all levels, but it was of outstanding importance at the highest level.

**Estimated value of the matrimonial home
(owner-occupiers)**

	Up to £1,999 %	£2,000- 3,999 %	£4,000- 5,999 %	£6,000- 7,999 %	£8,000 or more %
Will made by					
Both husband and wife	6	7	13	17	26
Husband only	10	13	16	22	38
Wife only	—	1	1	1	2
	16	21	30	40	66
Neither husband nor wife	84	79	70	60	34
	100	100	100	100	100
Base	(85)	(233)	(332)	(193)	(121)

In addition to the details obtained about the matrimonial home there were two other areas where we obtained some estimate of value, we obtained an estimate of the couples income, and of their other assets (excluding the matrimonial home, and the current bank account).

Estimated Gross Income Per Annum

	£500 or less %	£501- 750 %	£751- 1000 %	£1001- 1250 %	£1251- 1500 %	£1501- 1750 %	£1751- 2000 %	£2001- 2500 %	£2501- 3000 %	£3001 or more %
Will made by										
Both husband and wife	10	9	7	8	5	4	7	7	11	22
Husband only	12	17	14	9	9	11	18	17	18	34
Wife only	4	1	2	1	1	1	—	1	—	1
	26	27	23	18	15	16	25	25	29	57
Neither husband nor wife	74	73	77	82	85	84	75	75	71	43
	100	100	100	100	100	100	100	100	100	100
Base	(82)	(114)	(172)	(236)	(279)	(231)	(248)	(163)	(133)	(160)

The one outstanding group was that of couples earning over £3,000 per annum. Among this group 57% of couples had made wills. In the rest of the income groups any association is obscured by the low incomes of retired people who, because of their age are more likely to have made wills. It is therefore worth examining income again but only for couples where the husband is under 65.

Estimated Gross Income Per Annum—(husbands of working age)

	£750 or less %	£751- 1000 %	£1001- 1250 %	£1251- 1500 %	£1501- 1750 %	£1751- 2000 %	£2001- 2500 %	£2501- 3000 %	£3001 or more %
Will made by									
Both husband and wife	2	4	6	4	3	6	5	10	21
Husband only	14	13	8	9	11	18	17	18	35
Wife only	—	2	1	1	1	—	1	—	1
	16	19	15	14	15	24	23	28	57
Neither husband or wife	84	81	85	86	85	76	77	72	43
	100	100	100	100	100	100	100	100	100
Base	(45)	(136)	(212)	(271)	(225)	(244)	(157)	(132)	(155)

For couples where the husband is of working age there are three levels of income for which the proportion of couples with wills varies. For incomes up to £1,750 well under 20% of couples had made wills. For incomes in the range

£1,751-3,000 about a quarter of couples had made wills. For incomes above this over a half of couples had made wills. The ranges of income over which changes occurred were thus quite broad.

In addition to the estimate of current income we had an estimate of the value of savings and assets (excluding the matrimonial home and the current bank account) that the couple had accumulated. With some of the major reasons for making a will still in mind, that is having acquired sufficient property to warrant it, we examine the value of these assets and whether the couple had made a will.

Estimated value of savings and assets
(excluding the matrimonial home and the current bank account)

Will made by	None %	Insur- ance only %	Up to £24 %	£25 -99 %	£100 -249 %	£250 -499 %	£500 -999 %	£1000 -2999 %	£3000 -9999 %	£10000 or more %
Both husband and wife	4	2	—	3	1	5	7	11	16	36
Husband only	4	6	13	10	12	14	17	14	25	31
Wife only	3	—	—	1	—	2	—	2	1	1
	11	8	13	14	13	21	24	27	42	68
Neither husband nor wife	89	92	87	86	87	79	76	73	58	32
Base	100 (60)	100 (53)	100 (115)	100 (215)	100 (239)	100 (216)	100 (291)	100 (275)	100 (234)	100 (92)

The ranges of value shown increase in very small steps but the base numbers indicate that many of the ranges include about equal numbers of couples, demonstrating that many married couples do not have large reserves of savings and assets. For couples with assets of value less than £3,000 fewer than a quarter had made wills. It is only above this level of assets that more wills are to be found, 42% of couples with assets of £3,000-9,999 and 68% of couples with assets of £10,000 or more had made wills.

The results show clearly that property and its value is indeed associated with the couple having made a will but that it is only at the highest values that large associations are found. The vast majority of couples do not attain this level of ownership and at the lower levels there is little variation in will making.

We have considered above the major factors relating to the background in

Inheritance received by:—

	Both husband and wife %	Husband only %	Wife only %	Neither husband nor wife %
Will made by				
Both husband and wife	25	9	8	5
Husband only	25	24	14	12
Wife only	2	1	2	—
	52	34	24	17
Neither husband nor wife	48	66	76	83
	100	100	100	100
Base	(246)	(257)	(304)	(1003)

terms of age, social class, ownership and value of property. In addition to these characteristics it is of interest to examine whether other factors associated with experience of inheritance are related to the couples' own actions with regard to themselves. We reported in section 3.2 that 28% of husbands and 30% of wives had themselves received an inheritance. This may have been through a will or as the result of intestate succession. We examined the data to see whether there was any association between having received an inheritance and making a will.

Among couples where husband and wife have both inherited something, more than half had themselves made wills. Where neither of the couple have inherited anything, under 20% had made wills. Since the likelihood of the loss of near relatives will be much higher for older couples it is difficult to disentangle any age variation when one is examining a factor such as inheritance; this problem is overcome by using some of the more detailed information we obtained about family circumstances. We asked the couple whether their parents were still alive or not, and if not we asked whether they had made a will. This enables us to examine the likelihood of making a will, with the knowledge of whether the previous generation did.

Whether deceased parents had made wills

	Husband's father		Husband's mother		Wife's father		Wife's mother	
	Left will	Did not	Left will	Did not	Left will	Did not	Left will	Did not
Will made by	%	%	%	%	%	%	%	%
Both husband and wife	21	8	24	9	19	9	26	8
Husband only	27	15	26	18	22	17	22	16
Wife only	1	1	2	1	2	1	3	1
	49	24	52	28	43	27	51	25
Neither husband nor wife	51	76	48	72	57	73	49	75
	100	100	100	100	100	100	100	100
Base	(270)	(867)	(157)	(753)	(222)	(806)	(150)	(688)

The large majority of deceased parents had not made wills, and in such circumstances three-quarters of the couples had not yet made wills either. But where the deceased parent had left a will nearly half of couples had made wills also. This pattern of behaviour was consistent whether it was a mother or a father that was involved and whether it was the husband's parent or the wife's parent that was involved. Family background and experience would thus appear to be a fairly important factor in whether or not people make wills.

Another of the personal circumstances which might have an association with making wills is whether this marriage is the first one for both partners, or not; one or both of the partners had been married before in 11% of the couples interviewed.

Where both partners had been married previously 41% of couples had made wills, where only the husband had been married before 34% of couples had made wills. Where only the wife had been married before there was no difference in will making compared with couples for which the current marriage was the only one.

	Previous marriages			
	Both husband and wife married before %	Husband only married before %	Wife only married before %	Neither husband nor wife married before %
Will made by				
Both husband and wife	24	17	5	8
Husband only	11	17	14	15
Wife only	6	—	3	1
	—	—	—	—
	41	34	22	24
Neither husband nor wife	59	66	78	76
	—	—	—	—
	100	100	100	100
Base	(67)	(69)	(67)	(1674)

Although there is some variation with multiple marriages the most important result here is that a high proportion of couples involved in second or subsequent marriages have not made wills. We draw attention to the fact that family background, property ownership and value showed greater association with will making than did multiple marriages.

It is in circumstances of multiple marriages that the most complicated family relationships develop. There is therefore particular need for people in these circumstances to take the necessary steps to determine that their wishes with regard to the distribution of their property will be met.

We have been examining the characteristics of people who have made wills but in fact they are very much in the minority. Many people never make a will; is it in fact an advantage to do so, and what are the consequences of not doing so? If a person dies without having made a will his property is distributed in accordance with the laws of intestate succession. For a married person the first £8,750 is inherited by the surviving spouse. Where the estate is valued higher than that the excess is halved. One half is immediately divided between the deceased's children, the other half is kept in trust for the spouse for life and then divided between the children.

As we have seen, few married couples had property which exceeded £8,750. Up to this level the surviving spouse inherits all the estate, and if this is what the spouse would have wished then there is little incentive for him to make a will. If his assets are over this range a spouse may still be in agreement with the method of distribution operating under the laws of intestate succession, if not then there would be some incentive to make a will.

The other circumstances already mentioned, in which there might be some wisdom in making a will is where either or both of the partners have been married before. Without such precautions many complications may arise if an involved pattern of family relationships develops.

Counteracting these two reasons for making a will couples who have the matrimonial home in joint names may feel less need to make a will since a property in joint names passes automatically to the survivor independently of the estate of the deceased spouse.

15.0 VIEWS ON INHERITANCE RIGHTS COMPARED WITH ATTITUDES TO A FAIR SETTLEMENT ON INTESTACY

We asked people whether they thought a husband should legally be free to do as he liked with his property in his will or whether the surviving spouse should have some inheritance rights. We pursued the same kinds of questions with regard to a father's position with regard to his children. Later we asked people what they thought would be a fair settlement on intestacy, outlining a particular situation, on which they commented. In this section we compare their views on inheritance with those on intestacy.

Views on inheritance rights of spouses

	Entirely free (no rights)		Included in the will (automatic rights)		Qualified answers	
	Husbands %	Wives %	Husbands %	Wives %	Husbands %	Wives %
Fair settlement on intestacy (estate of £5,000 with a wife and three grown-up sons)						
All to the wife	53	48	60	56	62	61
Wife and sons share	42	50	36	41	30	33
Other answers	5	2	4	3	8	6
	100	100	100	100	100	100
Base	(601)	(565)	(993)	(1081)	(200)	(185)

People who thought that there should be no inheritance rights for spouses were more likely to favour some form of sharing between the wife and sons, while those who felt there should be inheritance rights, or who gave qualified opinions, were more inclined to think the wife should take it all.

Views on inheritance rights of children

	Entirely free (no rights)		Included in the will (automatic rights)		Qualified answers	
	Husbands %	Wives %	Husbands %	Wives %	Husbands %	Wives %
Fair settlement on intestacy (estate of £5,000 with a wife and three grown-up sons)						
All to the wife	61	59	41	38	67	60
Wife and sons share	34	38	55	58	27	37
Other answers	5	3	4	4	6	3
	100	100	100	100	100	100
Base	(1228)	(1197)	(375)	(470)	(185)	(160)

Among husbands and wives who felt children should not have an automatic right of inheritance 60% were in favour of the wife being the sole beneficiary in this particular case of intestacy, a third were in favour of the estate being shared between the wife and sons. Thus a fairly substantial proportion of people felt that although children should not have to be included in the will, if no will was made (in the situation of a mother and three grown up sons) the children should share in the estate.

Among husbands and wives who felt that children should have inheritance rights over a half said that in this intestacy situation the estate should be shared with the children, but well over a third said that the wife should be the sole inheritor. These people were clearly not equating the intestacy situation to that of making a will.

It is important to remember that the people interviewed were having to think, and think fairly quickly, about complex matters which were not generally their concern; and that they were not always thoroughly logical in their approach. This is not a phenomenon unique to this subject or to this inquiry; in every day life people are not completely consistent in their opinions and in their actions.

16.0 LIVING UNDER OTHER LEGAL SYSTEMS

The introduction to the report comments on some of the differences between the laws in England and Wales and those of other countries. It was possible that a person's views could be influenced by residence in a country with a different legal system, and so in the interview we included some questions asking about residence in other countries. The questions only included a stay of two years or more in any one country in order to exclude short visits.

These questions, whilst excluding the short stay visitors, did include people who went to other countries while in the armed services. People who travel while in the services are perhaps unlikely to be influenced very much by the legal system of the country they are living in, but in the context of the interview it was not possible to pursue in depth the reasons for the visits.

Husbands and wives were asked in turn "Have you ever lived in Scotland, for as long as two years?", and similarly for Ireland. The third question in the series was "Have you ever lived in any other country, for as long as two years?" These answers were later classified according to the matrimonial laws of the country concerned.

In fact the number of people who could have been affected by residence under a different legal system was very small; 66 husbands and 54 wives had lived in Scotland, 30 husbands and 22 wives had lived in Southern Ireland, and 393 husbands and 155 wives had lived outside the British Isles. Thus even if people with experience from other systems had different views they were not going to have a very large effect on the overall attitudes of husbands and wives.

In fact the range of countries in which people had lived was very wide, and it was only possible to study two groups in any further detail; these were people who had lived in Scotland, and people who had lived in European countries with a system of community of property.

The issues which were of particular interest with regard to residence under another system were those connected with inheritance rights and the protection of them. We analysed residence in another country in terms of the following question, and its counterpart with respect to children.

"In some countries the law says that if a will is made, then the surviving spouse must be provided for in it. In other countries there is complete freedom in making the will, but the surviving spouse can ask a court to decide whether some extra provision should be made, if he or she feels unfairly treated under the will. Which do you think is the better system?"

(a) *People who had lived in Scotland*

When considering the inheritance rights of spouses, the views of husbands who had lived in Scotland were no different from those who had not. Among wives, however, there was some difference. Those who had lived in Scotland were more often in favour of an automatic right of inheritance than those who had not.

	Wives	
	Had lived in Scotland %	Had not %
Preferred system where		
Spouse was in will	72	59
Rights through the courts	28	41
	<hr/>	<hr/>
Base	100 (54)	100 (1816)

When considering the inheritance rights of children a similar pattern emerged. The husbands' views were not different according to whether they had lived in Scotland but the wives' were.

	Wives	
	Had lived in Scotland %	Had not %
Preferred system where		
Children in the will	41	32
Rights through the courts	59	68
	<hr/>	<hr/>
Base	100 (54)	100 (1816)

Thus wives who had lived in Scotland more often chose the form of protection which more closely resembled the Scottish system.

(b) *People who had lived in European countries that had a system of community of property*

In relation to the spouse's inheritance rights, there was very little difference between the answers of people who had lived in Europe and those who had not.

The question on children's inheritance rights provided answers which again did not vary between the husbands. The wives' answers, however, did vary; wives who had lived in Europe more often stated a preference for a system of automatic inclusion of the sons and daughters in their parent's will, than did wives who had not lived in those countries.

	Wives	
	Had lived in Europe %	Had not %
Preferred system where		
Children were in will	45	32
Rights through the court	55	68
	<hr/>	<hr/>
Base	100 (51)	100 (1716)

Thus, the distribution of answers did not vary for husbands when residence in European countries that had a system of community of property was taken into account. For the wives, some variation did occur on the question about the inheritance rights of sons and daughters, when wives who had lived under a European system of community more often chose the system of automatic inclusion of the children in a parent's will.

On the groups that we investigated the effect of a stay of at least two years in either Scotland or a European country with a system of community did not have a large effect. Wives seemed to react more than husbands but this may have been influenced to some extent by the inclusion a large number of men whose time abroad was spent on military service. We found no major evidence of divergence of opinion as a result of wider experience.

PART V

17.0 SUMMARY OF FINDINGS

The purpose of the survey was to find out how married couples currently arrange their affairs with regard to matrimonial property and to establish their views on a selection of questions relating to matrimonial property. This information was obtained from a joint interview conducted with a random sample of married couples in England and Wales. In addition to the sample of married couples a small sample of formerly married persons was also selected and interviewed. Although this sample was small it provided evidence as to whether the views of those who were currently widowed, divorced, or separated were radically different from those who were currently married. (The initial sample contained 2,371 married couples and 844 formerly married people.) The level of co-operation achieved from the selected samples was generally reasonable, 80% of married couples were interviewed (1877 interviews) and 71% of formerly married people (600 interviews). It was anticipated that the subject matter of the survey would be difficult at the point of introduction and that in the case of married couples obtaining the co-operation of two people would be harder than one. The sample of formerly married persons was made up predominantly of elderly widows and this contributed to the level of non-response both from illness, and a feeling that at their time of life their views were not of much importance.

The first part of the report presents the results relating to the current position of married couples. With regard to the matrimonial home 52% of married couples were owner-occupiers, 45% were renters, and 3% were living in accommodation where they themselves were not responsible for the tenure.

We asked all the couples responsible for their accommodation whose name the agreement, either renting or owning, was in. Among the owner-occupiers 52% of couples owned the home in joint names, 42% owned it in the husband's name and 5% owned it in the wife's name. Among renters the pattern was very different. Only 14% of renters had the tenancy in joint names, 82% rented the matrimonial home in the husband's name, and 3% rented it in the wife's name. Thus in total, irrespective of whether the home was owned or rented, one in three couples had some kind of joint arrangement for the matrimonial home.

Among renting couples the traditional pattern of the husband taking the responsibility for providing the home is still predominant. We enquired of the couples who were renting in joint names, and who had thus chosen a course different from the traditional pattern, what had influenced them. The most common influence was that the landlord had suggested to them that the tenancy might be in joint names; in many cases the landlord was a local authority. Variation in local authority policy on this matter is thus an important factor.

Among the owner-occupying couples joint ownership was much more common than joint tenancies had been among renters. In fact it was the form of ownership in the majority of cases (52%).

We asked those who had the home in only one person's name how they viewed the ownership of the home. In nine out of ten cases the spouses each thought of the home as belonging to both of them. Thus their attitude to the ownership of their home was not on the whole related to the arrangement of the legal title. This suggests that, rather than a specific choice being made, one spouse ownership was merely the result of the traditional pattern of ownership.

We asked some details about current bank accounts, and established that 47% of couples did not have one. Among those who did have current bank accounts 40% of couples had at least one joint account. This was a lower proportion of joint arrangements than had been the case with ownership of the matrimonial home. The detailed analysis of the reasons suggested that there was a basic difference between spouses' views on organising the bank account and on organising the home, the bank account being an arrangement which had to work for day to day living; the pattern of ownership of the home, on the other hand, did not affect daily living at all, but was a long term arrangement the importance of which might not become apparent until the end of the marriage.

In addition to the home and the current bank account, we asked some details about other assets such as savings, investments, land or buildings, business and insurance. Only 3% of couples stated that they had no such assets at all. The majority of couples (57%) had some such assets in the husband's name and also some in the wife's name; 29% of couples had at least some of these assets in joint names. In 11% of cases all the assets the couple had were in one or other's name only. These were on the whole assets of very small value. In fact of all couples nearly a quarter valued their assets (excluding the home and the current account) at under £100, and nearly two thirds valued such assets at under £1,000.

The traditional pattern of ownership based on the husband being the provider is sometimes said to be at odds with current practice since many women now work before and during marriage. It is also suggested that a woman's effort in running the home should be included as a method of contributing towards matrimonial property along with financial contribution, which is already recognised by the law.

We asked the wives whether they had contributed to the major items of matrimonial property and if so by what means. Among the couples who owned the home 79% of wives said they had contributed to it; among the couples who owned cars 57% said they had contributed to it; 85% of wives said they had contributed to the furniture and 76% said they had contributed to big items such as the cooker, refrigerator, washing machine etc. We suggested five possible means of contributing and asked each wife who had contributed which methods she had used. In terms of the home and contents over two thirds of those who had contributed said they did so from earnings during marriage, about a half said that their effort in the home had been a contribution, and a quarter to a third said that savings from before marriage had been used for the house or furniture.

Thus a large proportion of wives felt that they had contributed to the matrimonial property, and a considerable number considered that their effort in the home had been a contribution.

Having dwelt for a considerable time on the couples' own arrangements the questions in the interview changed to more general ones about the couples' attitudes to some of the fundamental issues relating to ownership of matrimonial property.

The first issue so discussed was whether or not the matrimonial home and contents should be jointly owned by husband and wife irrespective of who paid for it; 9 out of 10 husbands and wives felt that the matrimonial home and contents should be jointly owned. This question was followed by one asking the couple whether they thought the wife, given that she had some money, should be financially responsible for the home and contents if the husband did not keep up the payments. The overall views of husbands and wives were similar on this matter; 3-4 out of 10 said the wife should be financially responsible, 3 out of 10 said the wife should not be financially responsible for the home and contents, and 3-4 out of 10 said that the wife's responsibilities would depend on the reason why the husband had not kept the payments up. Thus although hardly anyone refuted the suggestion of joint ownership of the matrimonial home and contents, views on the financial responsibility of the wife were very mixed.

The point in time when action has to be taken over matrimonial property is at the end of the marriage, which either occurs through the breakdown of the marriage or the death of one partner. Most of the married couples we interviewed had not themselves experienced matrimonial breakdown, so when we asked about what they felt would be a fair financial settlement in such circumstances most answers were not based on personal experience. In order to make the questions realistic a particular situation was described and then various questions asked about that situation. The aim of the question was to see whether there was any change in attitude towards a fair financial settlement where, in the situation put forward, both the husband and wife were earning compared with a situation where the husband was working and the wife was looking after the home. There was in fact little difference in attitude according to the employment status of the wife in the situation.

In addition we asked what the couples thought should happen to a spouse's personal inheritance during marriage, or savings from before marriage in the event of a matrimonial breakdown. Although the proportion of people who felt such possessions should be shared was much lower than for property which had resulted from earnings during marriage there was, nevertheless, considerable feeling that these more personal assets should be shared. The results also showed some indication here of the idea that what was the husband's should be shared, and what was the wife's should not.

More often, however, a marriage is ended by the death of one partner rather than prematurely by matrimonial breakdown. At the point of time that the survey was conducted 24% of husbands said they had made wills, and 10% of wives said they had made wills. A third of the husbands who had made provision in case of death had done so while serving in the armed forces.

When we asked people about their views on inheritance rights we were thus again, asking the majority of people about a situation which they had not faced directly since most people had not themselves made wills. The essential issues which we wished to examine with the general public were whether they felt that a spouse had an automatic right of inheritance or not, and whether children should have an automatic right of inheritance or not. The questions we put were somewhat over-simplified from the complex legal situation, but were sufficient to indicate whether different family relationships were considered to give rise to different obligations and/or rights.

Over half of husbands and wives felt that if a man made a will then he should be obliged to include his wife in it, about a third thought that the man

should be free to include her or exclude her as he saw fit and about a tenth felt it depended on the circumstances of the case. Opinions were quite different with respect to a father's obligations towards his children. Only a fifth of husbands and a quarter of wives thought that if a father wrote a will then his children should have to be included, two thirds of spouses thought that the man should be free to do as he liked with regard to his children; again one in ten spouses felt that it depended on the circumstances of the case.

One situation in which the law must determine the way in which an estate is apportioned is the case of intestacy. Very few people, as we mentioned earlier, had made a will, and it was interesting to see how many people knew the intestacy laws. These laws are explained in detail in section 5.3.

Over a third of husbands and a half of wives said they did not know what the law said about the distribution of the property of someone who died without a will. Of those who said they did know, over a half of both husbands and wives said that the property goes to the surviving spouse, or to the spouse and the children. Just over one in ten of husbands and of wives mentioned that the value of the estate was taken into account by the law.

Only three people, two husbands and one wife, were able to state correctly what these laws were, and from the background information on the questionnaires, we found that the two husbands worked in banking, dealing with property and trusteeship, and the wife worked in the legal field. Thus, the very few people who knew what the laws were worked in occupations that brought them into contact with these laws.

Part III of this report deals with the formerly married people in the sample. The analysis was carried out comparing the men and women in each of three groups; widowed people, divorced or separated people, and married couples.

Earlier in this chapter, we mentioned that the majority of formerly married people were widows, most of these quite elderly. The age distribution is one of the important distinctions between the three groups. Married couples and divorced or separated people had similar age distributions, but widowed people were generally much older.

We first looked at the ways in which their financial and property affairs had been arranged during their marriage. Fewer of the formerly married people had owned their own home during the marriage than was so amongst married couples, and fewer had owned a car or had a bank account. A contributory factor in this is the age distribution of the widowed people. When asked whether they felt they had contributed to the home, widows less often said that they had contributed (67%) than did wives (79%); amongst divorced or separated women, 92% considered that they had made a contribution. Divorced or separated women less often gave "effort in the home" as a means of contribution than did either of the other two groups.

Formerly married people's opinions on the fundamental concepts of matrimonial property show some differences from those of married couples. On the question of whether the home and contents should be jointly owned by the husband and wife, irrespective of who paid for it, divorced or separated people were less often in favour of automatic joint ownership. Similarly, a higher proportion of this group thought that the wife should not be financially responsible for the home, than was so amongst married couples. Widowed men were similar to divorced and separated on this point, and widowed women similar in their views to married couples.

Part IV of the report examines in more detail some major topics, such as the wife's employment position during the marriage, and the people who have made wills. Of particular interest is Chapter 12, where the pattern of ownership of the matrimonial home is analysed in greater depth. The outstanding conclusion from this analysis is the clearly demonstrated trend towards joint ownership of the home. The analysis considers some of the possible causes of this trend, and of its sudden acceleration in recent years.

By knowing the facts about the matrimonial property of married couples, it is possible to put both the law and the couples in perspective. Our sample included married couples of all ages and ranges of financial circumstances. For many couples the laws relating to property must seem very remote since they themselves own little property of great value; for example 48% of couples were not owner occupiers, 47% of couples did not have a current bank account, and 23% of couples said that, excluding the house or current bank account if they had them, the total value of their other assets (small savings, investments etc.) was less than £100. Compare this with the fact that the more complicated rules of intestacy do not come into question unless the estate exceeds £8750 and there is a surviving spouse and there are children. There are thus very few people for whom detailed knowledge of the intestacy laws is necessary.

It seems to follow that changes in the law should be framed in such a way as to take account of the low level of assets owned by the majority of couples. This applies not only to intestacy, but to any major change affecting the ownership of property. It is hoped that this survey will provide the material needed to estimate the effect of any proposed changes, as well as giving some indication of attitudes to property.

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SS 475 Matrimonial Property
Married Couples Questionnaire

Area	Address	Unit

Date of interview

Interviewers' Name No.

INTRODUCTION TO MARRIED COUPLE

INTERVIEWER - BACK CODE FROM Q1		Married 1	
		Not married 2	
1	How long have you been married to each other? yrs. mths. IF LESS THAN 2 YRS. IF LIVING TOGETHER BUT NOT MARRIED TAKE THE TIME SINCE SET UP HOME TOGETHER.		
2	What was the year of your marriage? 19		
3	Had either of you been married before this?	Neither had 1 Yes, husband had 2 Yes, wife had 3 Yes, both had 4	
One thing that plays a large part in marriage is setting up home.			
4	Is your present accommodation a whole house or a flat?	Whole house 1 Flat 2 Other (SPECIFY) 3	
5	Do either of you rent the house (flat), do you own it, are you buying it, or is it someone else's responsibility?	Rent 1 ... Rent free 2 ... Own 3 ... Buying 4 ... Someone else's resp. 5 ...	GO TO Q6 GO TO Q6 GO TO Q12 p4 GO TO Q13 p4 GO TO Q24 p8

IF RENTS OR RENT FREE					
6 (a)	Do you rent the house (flat) furnished or unfurnished?	Furnished Unfurnished	1 2		
(b)	Do you rent it from ...	RUNNING ... an employer PROMPT the local authority (PRIORITY a relative CODE) or other landlord?	1 2 3 4		
7 (a)	Do you have a written lease, or not?	Written lease Not	7 ... ASK (b) 8 ... GO TO (d)		
<u>IF WRITTEN LEASE (7)</u>					
(b)	How long is the full term of the lease?	years			
(c)	How long has it still got to run?	years			
GO TO Q8					
<u>IF NO WRITTEN LEASE (8)</u>					
(d)	If you wanted to leave this house (flat), how much notice would you have to give the landlord, a week, a month, or some other length of time?	A week A month Other (SPECIFY)	1 2 3		
GO TO Q8					
8 (a)	Have you lived in this house (flat) all your married life or not? (since setting up house together)	All married life Not	1 ... GO TO Q9 A ... ASK (b)		
<u>IF NOT ALL MARRIED LIFE (A)</u>					
(b)	About how many homes have you had altogether, during your married life, including this one?	2-9 enter number _____ 10 or more	0		
(c)	Have all your homes been rented or not?	All rented Not	8 ... GO TO Q9 9 ... ASK (a)		
<u>IF NOT ALL RENTED (9)</u>					
(d)	What was the situation in those homes that were not rented. Did you own them or were they someone else's responsibility?				
HOMES NOT RENTED					
		1	2	3	4
Rent	1	1	1	1	1
Rent free	2	2	2	2	2
Own	3	3	3	3	3
Buying	4	4	4	4	4
Someone else's responsibility	5	5	5	5	5
GO TO Q9					

IF RENTS OR RENT FREE

- 9 In whose name is the (present) house (flat) rented?
- | | | |
|-------------------|-------|-----------|
| Husband's | 1 ... | ASK Q10 |
| Wife's | 2 ... | ASK Q10 |
| Joint names | 3 ... | GO TO Q11 |

IF IN HUSBAND'S OR WIFE'S NAME

- 10(a) Have you and your wife ever discussed having a joint tenancy, that is a tenancy in both your names?
- | | | |
|-----------------|-------|-----------|
| Discussed | 4 ... | ASK (b) |
| Not | 5 ... | GO TO (d) |

IF DISCUSSED (4)

- (b) Why did you decide not to have a joint tenancy?
- | | |
|------------------------------------|---|
| Couldn't apply to us (SPECIFY) ... | 1 |
|------------------------------------|---|

(Have you anything to add?)

- (c) Have you ever had a tenancy in joint names?
- | | | |
|-----------|-------|--------------|
| Yes | 8 ... | GO TO Q25 |
| No | 9 ... | GO TO Q25 P8 |

IF NOT DISCUSSED (5)

- (d) Did you know that in many cases a tenancy can be taken out in joint names?
- | | |
|--------------------|---|
| Both knew | 1 |
| Husband only | 2 |
| Wife only | 3 |
| Neither knew | 4 |
- (e) Have you ever had a tenancy in joint names?
- | | | |
|-----------|-------|--------------|
| Yes | 8 ... | GO TO Q25 |
| No | 9 ... | GO TO Q25 P8 |

IF IN JOINT NAMES

- 11(a) What were the main reasons for renting the house (flat) in joint names?

(Have you anything to add?)

IF HAD LIVED IN MORE THAN ONE HOUSE Q8

- (b) Is this house (flat) the only one for which you have had a joint tenancy, or did you have joint tenancies for some of your earlier homes?
- | | |
|-----------------------------------|---|
| Present home is first one | 1 |
| Had earlier joint tenancies | 2 |

GO TO Q25 P8

IF OWNS

- 12(a) How did you acquire the house (flat),
did you buy it outright, inherit it,
have it as a gift, or did you buy it
by mortgage?
- | | | |
|--------------------------|------|-----------|
| Bought outright | 1 .. | GO TO Q14 |
| Inherited | 2 .. | GO TO Q14 |
| Gift | 3 .. | GO TO Q14 |
| Bought by mortgage | 4 .. | ASK (b) |

IF BOUGHT BY MORTGAGE

- (b) Was the mortgage with ... RUNNING
PROMPT ... a local authority 1
a building society 2
a housing association 3
an insurance company 4
an employer 5
or some other body? 6
(SPECIFY)
- (c) What kind of mortgage was it, RUNNING
was it an endowment mortgage 7
or was it an ordinary
mortgage? 8
Other (SPECIFY) 9
- ie. one where the mortgage is
paid off automatically from
insurance if the person buying
the house dies before the end
of the mortgage
- GO TO Q14

IF BUYING

- 13(a) Are you buying the house (flat) with
a mortgage, or not?
- | | | |
|---------------------|------|-----------|
| With mortgage | 4 .. | ASK (b) |
| Not | 5 .. | GO TO Q14 |

IF WITH MORTGAGE

- (b) Is the mortgage with RUNNING
PROMPT ... a local authority 1
a building society 2
a housing association 3
an insurance company 4
an employer 5
or some other body? 6
(SPECIFY)
- (c) What kind of mortgage is it, RUNNING
is it an endowment mortgage 7
or is it an ordinary
mortgage 8
Other (SPECIFY) 9
- ie. one where the mortgage is
paid off automatically from
insurance if the person buying
the house dies before the end
of the mortgage
- GO TO Q14

IF OWNS/BUYING

14(a)	What year did you buy (acquire) this house (flat)?	19	
(b)	Is the house (flat) freehold or leasehold?	Freehold 1 ... Leasehold 2 ...	GO TO Q15 ASK (c)
<u>IF LEASEHOLD</u>			
(c)	How long is the full term of the lease?	years	
(d)	How long has it still gov. to run?	years	
15(a)	(Could I just check) have you lived in this house (flat) all your married life, or not?	All married life 1 ... Not A ...	GO TO Q17 ASK (b)
<u>IF NOT ALL MARRIED LIFE (A)</u>			
(b)	About how many homes have you had altogether, during your married life, including this one?	2-9 enter number 10 or more 0	
(c)	How many of your homes have been owned and how many rented?	Number owned Number rented Other (SPECIFY) ...	
16(a)	Have any of the homes you've owned been in your joint names, or not?	Some joint 1 ... None joint 2 ...	ASK (b) GO TO Q17
(b)	<u>IF SOME JOINT</u>	Joint Not	
	(1) Is your present house (flat) in joint names or not?	7 ... 8	
	the one before that (2) was it in joint names or not?	7 ... 8	
	the one before that (3)	7 ... 8	
	" (4)	7 ... 8	
	" (5)	7 ... 8	
	" (6)	7 ... 8	
	" (7)	7 ... 8	
	" (8)	7 ... 8	
	" (9)	7 ... 8	SEE (c)
<u>IF EARLIEST HOUSE IN JOINT NAMES IS NOT PRESENT HOUSE (1)</u>			
(c)	What year did you buy (or acquire) the first house that you had in joint names, ie	19	
			GO TO Q20

OWNS/BUYING

ONE HOUSE ONLY, OR NONE JOINT			
17(a)	Whose name is the (present) house (flat) in?	Husband's 1 ... Wife's 2 ... Joint names 3 ... Other (SPECIFY) 4 ...	ASK (b)(c) ASK (b)(c) GO TO Q20 GO TO Q22
<u>IF IN HUSBAND'S OR WIFE'S NAME</u>			
<u>TO WIFE</u>			
(b)	Do you think of the house (flat) as belonging to your husband, to yourself, or to both of you	Husband 5 Self 6 Both 7 Other 8 (SPECIFY)	
<u>TO HUSBAND</u>			
(c)	Do you think of the house (flat) as belonging to your wife, to yourself, or to both of you?	Wife 5 Self 6 Both 7 Other 8 (SPECIFY)	
18(a)	Have you and your wife <u>ever</u> discussed having the house (flat) in your joint names?	Discussed 1 ... Not possible 2 ... Not 3 ...	ASK (b) GO TO Q19 GO TO Q19
<u>IF DISCUSSED (1)</u>			
(b)	Why didn't you have the house (flat) in joint names?		
(Have you anything to add?)			
19(a)	Has anyone ever given you any advice about joint ownership?	Yes A ... No 1 ...	ASK (b) GO TO Q22
<u>IF YES (A)</u>			
(b)	Who advised you?	Solicitor 2 Estate agent 3 Other 4 (SPECIFY)	
GO TO Q22			

OWNS/BUYING

<u>JOINT NAMES</u>		
20	What were the main reasons for having joint ownership?	
(Have you anything to add?)		
21(a)	Did anyone give you any advice about joint ownership? Yes A ... No 1 ...	ASK (b) GO TO Q22
<u>IF YES (A)</u>		
(b)	Who advised you? Solicitor 2 Estate agent 3 Other (SPECIFY) .. . 4	GO TO Q22
<u>TO ALL OWN/BUYING</u>		
22(a)	Have you carried out any major improvements to the house (flat)? (EXCLUDING INTERIOR AND EXTERIOR DECORATION)	Improvements 1 ... ASK (b) Not 2 ... GO TO Q23
<u>IF IMPROVEMENTS</u>		
(b)	What were these improvements?	
<u>TO HUSBAND</u>		
(c)	Did you do this yourself, or did you pay someone to do it? Self 3 Pay someone 4	
<u>TO WIFE</u>		
(d)	Did you make any financial contribution towards these improvements? Financial cont. 5 Not 6	
23	Could you estimate what the market value of the house (flat) is at the moment? £	GO TO Q25

IF HOUSE (FLAT) IS SOMEONE ELSE'S RESPONSIBILITY

24(a)	Who is responsible for the house (flat)?	Relative	1	
		Friend	2	
		Other (SPECIFY)	3	
(b)	Do you pay a contribution towards the accommodation or not?	Pays contribution	4	
		Not	5	
EMPLOYMENT				
TO ALL				
25	Whether or not a wife has been in paid employment during her married life can affect the way that she and her husband arrange their affairs. It can also affect the legal situation sometimes.			
TO THE WIFE				
(a)	Have you been in paid employment at all since the time of your marriage (THIS MARRIAGE)	Yes	A ...	ASK (b)
		No paid employment	1 ...	GO TO Q28
IF YES (A)				
(b)	Are you in paid employment now? (ANY NUMBER OF HOURS)	In paid employment now	3	
		Has been but not now	2	
26(a)	You said that you'd been married ___ years, (Q1) about how many years of this time have you been in paid employment? (FULL-TIME OR PART-TIME) yrs.			
(b)	Has this mainly been full-time or mainly part-time employment?	Mainly full-time	6	
		Mainly part-time	7	
27(a)	Since your marriage what kind of employment have you been in ... RUNNING ... PROMPT	... mainly self-employed, including in partnership with your husband	1 ...	GO TO Q28
		... mainly working for a self-employed husband	B ...	ASK (b)
		... mainly working for someone else, that is as an employee	4 ...	ASK (c)(d)
IF MAINLY WORKING FOR HUSBAND				
(b)	Are (were) you paid regular earnings, or does (did) your work count as a contribution to the business?	Regular earnings	2	
		Contribution	3	GO TO Q29
IF MAINLY AN EMPLOYEE				
(c)	Are (were) you usually paid weekly or monthly?	Weekly	1	
		Fortnightly	2	
		Monthly	3	
		Other (SPECIFY)	4	
(d)	Are (were) you usually paid in cash or not?	Paid in cash	5	
		Not	6	
(CHEQUE, MONEY ORDER, CREDIT TRANSFER = NOT CASH (6))				
				GO TO Q29

EMPLOYMENT

TO THE WIFE

IF NO PAID EMPLOYMENT DURING MARRIAGE

- 28(a) If her husband is self-employed, a wife may work in his business. Have you ever done this?
- | | | |
|-----------|-------|-----------|
| Yes | B ... | ASK (b) |
| No | 1 ... | GO TO Q29 |

IF YES (B)

- (b) Were (are) you paid regular earnings, or did (does) your work count as a contribution to the business?
- | | | |
|----------------------|---|--|
| Regular earnings ... | 2 | |
| Contribution | 3 | |
- GO TO Q29

TO THE HUSBAND

- 29(a) Are you in paid employment now?
- | | | |
|--------------------------|-------|-----------|
| In paid employment | 1 ... | GO TO (d) |
| Not | A ... | ASK (b) |

IF NOT IN PAID EMPLOYMENT

- (b) Have you retired or are you not in paid employment for some other reason?
- | | | |
|--------------------|-------|---------|
| Retired | 2 ... | ASK (c) |
| Other reason | 3 ... | ASK (c) |
- (c) Were you mainly self-employed?
- | | | |
|---------------------------|-------|-----------|
| Mainly self-employed..... | 8 ... | GO TO Q30 |
| Not | 9 ... | ASK (c) |

- (d) Are you self-employed or not?
- | | | |
|---------------------|-------|-----------|
| Self-employed | 1 ... | GO TO Q30 |
| Not | 2 ... | ASK (e) |

IF NOT SELF EMPLOYED

- (e) Are (were) you usually paid weekly or monthly?
- | | | |
|-----------------------|---|--|
| Weekly | 1 | |
| Fortnightly | 2 | |
| Monthly | 3 | |
| Other (SPECIFY) | 4 | |
- (f) Are (were) you usually paid in cash or not?
- | | | |
|--------------------|---|--|
| Paid in cash | 5 | |
| Not | 6 | |

(CHEQUE, MONEY ORDER, CREDIT TRANSFER - NOT CASH (6))

GO TO Q30

TO ALL - BANK ACCOUNTS

- 30 Sometimes the legal situation and how couples arrange their affairs may be affected by whether or not they have a bank account.

- (a) Do either of you have a (INCLUDE GIRO OR TRUSTEES SAVINGS BANK that is, one with a cheque book? IF USED WITH CHEQUE BOOK)

Have current account ... 1 ... ASK (b)
Do not 2 ... GO TO Q38
p12

IF HAVE CURRENT BANK ACCOUNT

- (b) How many current accounts do you have altogether? (EXCLUDE ANY WHICH ARE EXCLUSIVELY BUSINESS)

Number _____

- (c) FOR EACH ACCOUNT ASK

Whose name is the account in?	No. 1	No. 2	No. 3	No. 4	
Husband's	5	5	5	5	NO 7's GO TO Q31
Wife's	6	6	6	6	SOME 7's GO TO Q32
Joint	7	7	7	7	

IF NO JOINT ACCOUNT

- 31(a) Have you and your wife ever discussed having a joint bank account?

Discussed 1 ... ASK (b)
Not 2 ... GO TO Q38
p12

IF DISCUSSED

- (b) What made you decide not to have a joint current account?

(Have you anything to add?)

GO TO Q38
p12

BANK ACCOUNTS CONT.

<u>IF HAVE JOINT CURRENT BANK ACCOUNT</u>			
32(a)	Do cheques for your joint account need the signature of one of you or both of you?	One person 8 ... Both 5	ASK (b)
<u>IF ONE PERSON (b)</u>			
(b)	Who usually draws from the account?	Husband 6 Wife 7 Both equally 8	
33(a)	Are any earnings paid into the joint account?	Yes A ... No 1	ASK (b)
<u>IF YES (A)</u>			
(b)	Whose earnings are paid into the joint account?	Both 2 Husband's 3 Wife's 4	
34	What were the main reasons for opening a joint account rather than an individual account?		
35	Did either of you have an individual current account at the time that you opened the joint account? (TRANSFER FROM INDIVIDUAL TO JOINT - YES)	Both had 1 Husband had 2 Wife had 3 Neither had 4	
36(a)	Did you open the joint account within six months of being married, or did you open it after that?	Within six months 1 ... After that 2 ...	SEE Q37 ASK (b)(c)
<u>IF AFTER THAT</u>			
(b)	What year did you open your joint account?	19 _____	
(c)	Why did you open a joint account at that particular time?		
SEE Q37			
<u>IF HAVE INDIVIDUAL ACCOUNT AS WELL AS JOINT</u> See Q30(c)			
37(a)	What transactions do you use your joint account for?		
(b)	What transactions do you use your individual account(s) for?		
GO TO Q38			

TO ALL - POSSESSIONS BEFORE MARRIAGE

- 38 Married couples accumulate possessions during their marriage, but some things may have belonged to each of them before marriage.
(Could I ask each of you in turn)

TO WIFE		(a)	(b)	(c)	(d)
Just before your marriage, (THIS ONE) did you .....		.. own a house, flat or other buildings or land?	.. own a car?	.. own any furniture or household equipment?	.. have any savings?
Owned/had		A	A	A	A
Did not		1	1	1	1
FOR EACH TYPE OF THING OWNED/HAD					
39	When you married did you think of the as remaining part of your personal belongings, or did you think of it as becoming part of what belonged to you both?	Personal	2	2	2
		Both	3	3	3
		Can't rem.	4	4	4

TO HUSBAND		(a)	(b)	(c)	(d)
40 Just before your marriage, (THIS ONE) did you .....		.. own a house, flat or other buildings or land?	.. own a car?	.. own any furniture or household equipment?	.. have any savings?
Owned/had		A	A	A	A
Did not		1	1	1	1
FOR EACH TYPE OF THING OWNED/HAD					
41	When you married did you think of the as remaining part of your personal belongings, or did you think of it as becoming part of what belonged to you both?	Personal	2	2	2
		Both	3	3	3
		Can't rem.	4	4	4

BILLS - TO ALL

42	All married couples have to meet regular outgoings, like food bills, other bills, rates, rent, mortgage and so on. Different couples organise these things in different ways, and I'd like to ask you what you do. (WHO CARRIES OUT THE TASK - NOT WHO PROVIDES THE MONEY)	
(a)	In your case, who usually buys the food?	Husband 1 Wife 2 Either or both ... 3
(b)	Who usually pays the electricity or gas bills?	Husband 1 Wife 2 Either or both ... 3
(c)	Who usually pays the rates, rent, mortgage and so on?	Husband 1 Wife 2 Either or both ... 3
(d)	If there is any money left after these expenses, who usually deals with it?	Husband 1 Wife 2 Either or both ... 3
43(a)	INTERVIEWER - CODE IF YOU'VE BEEN TOLD THAT	Wife given pay packet ... 1 ... GO TO Q44 Not told 2 ... ASK (b)
	IF NOT GIVEN PAY PACKET - ASK WIFE	
(b)	Some wives like to know about money matters affecting them and their husbands, while others prefer to leave such things to their husbands. Do you like to know about money matters, or do you prefer to leave such things to your husband?	Likes to know ... 2 Leaves to husband 3
	(BACK CODE IF TOLD WIFE GIVEN PAY PACKET)	
44	I should like to ask each of you, in turn, about your views on a more general situation.	HUSB. WIFE
	TO WIFE	
(a)	If a husband gives his wife regular housekeeping money, and she saves out of it, who do you think the savings should belong to ...	... the wife 1 1 the husband 2 2 or half to each? 3 3
	RUNNING PROMPT	
(b)	REPEAT (a) WITH HUSBAND	
45	TO HUSBAND	
(a)	Do you know what the legal position is with regard to savings out of housekeeping?	Yes A A No 4 4
	IF YES (A)	
(b)	To whom does the law say the savings belong ...	the wife 1 1 the husband 2 2 or half each? 3 3
	RUNNING PROMPT	
(c)	REPEAT (a) WITH WIFE	

GO TO Q46

TO ALL - DURABLES

46 During their married life couples accumulate all kinds of possessions, not only the home itself but also the contents. There are other big items too such as cars.

ASK (a) - THEN FOR ALL CODED 2 ASK (b) - THEN FOR ALL CODED 2 ASK (c) and (d)

Do either of you own	IF OWNS										
	(b)			(c)			(d)				
	Is there any outstanding HP? If so, whose name is it in?			TO WIFE Do you think of ... as belonging to your husband, yourself, or both or you?			TO HUSBAND Do you think of ... as belonging to your wife, yourself, or both of you?				
(a)	Owns	Not	Yes	W	No	Husb.	Self.	Both	Wife	Self.	Both
Car 1	2	3	4	5	6	7	8	9	7	8	9
2	2	3	4	5	6	7	8	9	7	8	9
3	2	3	4	5	6	7	8	9	7	8	9
Furniture and fittings (beds, tables, chairs, carpets, curts.)	2	3	4	5	6	7	8	9	7	8	9
TV-1	2	3	4	5	6	7	8	9	7	8	9
TV-2	2	3	4	5	6	7	8	9	7	8	9
Other big items CARD 1	2	3	4	5	6	7	8	9	7	8	9
Cooker	2	3	4	5	6	7	8	9	7	8	9
Vacuum cleaner	2	3	4	5	6	7	8	9	7	8	9
Refrigerator	2	3	4	5	6	7	8	9	7	8	9
Washing machine	2	3	4	5	6	7	8	9	7	8	9
Spin drier	2	3	4	5	6	7	8	9	7	8	9
Dish washer	2	3	4	5	6	7	8	9	7	8	9
Deep freezer	2	3	4	5	6	7	8	9	7	8	9
Floor polisher	2	3	4	5	6	7	8	9	7	8	9
Lawn mower	2	3	4	5	6	7	8	9	7	8	9
Sewing machine	2	3	4	5	6	7	8	9	7	8	9
A/E	2	3	4	5	6	7	8	9	7	8	9
	2	3	4	5	6	7	8	9	7	8	9

for all 2's ask (b) Go to (c)(d)

GO TO Q47

CONTRIBUTION BY WIFE - TO ALL

There are a lot of ways in which a wife can make a contribution towards the large items of expenditure which arise during married life. Some of these are on the card (CARD 2)

READ THEM OUT FROM PRECODES

TO THE WIFE		DNA	X ...	SEE Q48
<u>IF OWNS OR BUYING HOUSE (CHECK BACK)</u>				
47(a)	We talked earlier about buying or acquiring the house, have you contributed in any way towards the house, not only this one but any previous houses you've had?	Yes	A ...	ASK (b)
		No	6 ...	SEE Q48
<u>IF YES</u>		<u>CODE ALL THAT APPLY</u>		
(b)	Could you tell me, from the card, any ways in which you have contributed to the house?	Money earned during marriage ..	1	
		Savings from before marriage ..	2	
		Using gifts of money received	3	
		Using any inheritance received	4	
		your effort in running the home	5	
<u>IF OWNS CAR (CHECK Q46)</u>		DNA	X ...	SEE Q49
48(a)	Have you contributed in anyway towards the car, not only this one but any previous cars you've had?	Yes	A ...	ASK (b)
		No	6 ...	SEE Q49
<u>IF YES</u>		<u>CODE ALL THAT APPLY</u>		
(b)	Could you tell me, from the card, any ways in which you have contributed towards the car?	Money earned during marriage ..	1	
		Savings from before marriage ..	2	
		Using gifts of money received	3	
		Using any inheritance received	4	
		your effort in running the home	5	
<u>IF OWN FURNITURE</u>		DNA	X ...	SEE Q50
49(a)	Have you contributed in anyway towards the furniture including any previous furniture you've had?	Yes	A ...	ASK (b)
		No	6 ...	SEE Q50
<u>IF YES</u>		<u>CODE ALL THAT APPLY</u>		
(b)	Could you tell me from the card, any ways in which you have contributed towards the furniture?	Money earned during marriage ..	1	
		Savings from before marriage ..	2	
		Using gifts of money received	3	
		Using any inheritance received	4	
		your effort in running the home	5	
50(a)	Taking all the other big items together (that is ...) have you contributed towards them in anyway?	DNA	X ...	GO TO Q51
		Yes	A ...	ASK (b)
		No	6 ...	GO TO Q51
<u>IF YES</u>		<u>CODE ALL THAT APPLY</u>		
(b)	Could you tell me from the card, any ways in which you have contributed towards those big items?	Money earned during marriage ..	1	
		Savings from before marriage ..	2	
		Using gifts of money received	3	
		Using any inheritance received	4	
		your effort in running the home	5	
51(a)	Are there any other big expenses you've contributed towards?	Yes	1 ...	ASK (b)
		No	2 ...	GO TO Q52
<u>IF YES</u>				
(b)	What kind of expenses?			

GO TO Q52

TO ALL - THE JOINTLY OWNED HOME

- 52 I should like to ask each of you, in turn, your views about a more general situation.

TO THE HUSBAND

- (a) Some people say that the home and its contents should legally be jointly owned by the husband and wife irrespective of who paid for it.

Do you agree or disagree with that?

Agree 1 1
Disagree 2 2 .. ASK (b)

IF DISAGREE

- (b) Why do you disagree?

HUSBAND

WIFE

- (c) REPEAT (a) WITH WIFE

- 53 TO THE WIFE

- (a) Again thinking generally, some people say that, if a wife had some money of her own, and the husband failed to keep up the payments for the joint home, then the wife should be legally responsible for continuing the payments.

Do you agree or disagree with that?

Agree 1 1
Disagree 2 2
Depends 3 3

- (b) Why do you agree (disagree)? (What does it depend on?)

HUSBAND

WIFE

- (c) REPEAT (a) WITH HUSBAND

TO ALL - SITUATION (TAKE THIS SLOWLY AND REPEAT IF NECESSARY)

- 54 Generally speaking, in everyday life, the legal position about ownership is unimportant. It is only in the unfortunate circumstances of breakdown of marriage, or death, that the law does become important. Although the legal position may not be affecting you we would like to know what views you each have about some of the kinds of situations which do have to be sorted out.

GIVE CARD 3 TO HUSBAND AND WIFE

Would you look at this card. At the top it tells you about a particular situation. At the bottom there are several alternative solutions. When I ask you the questions I should like you to answer by telling me the letter which is beside the solution you choose.

CARD 3

A married couple with no children, acquire during their marriage a house on mortgage, the furniture, a car, and some savings - altogether worth about £3,000. Then, by mutual agreement, they decide to separate, and some financial arrangement has to be made.

		HUSB.	WIFE		
TO HUSBAND					
(a)	Supposing that both the husband and the wife have been earning during the marriage. What <u>do you think</u> should happen to the £3,000?	DK	X	X	8
	All to husband	A	M		1
	All to wife	B	N		2
	In proportion to earnings	C	O		3
	Half and half	D	P		4
	$\frac{1}{3}$ to wife, $\frac{2}{3}$ to husband	E	Q		5
	$\frac{2}{3}$ to wife, $\frac{1}{3}$ to husband	F	R		6
	Some other arrangement	G	S		7
(b)	REPEAT (a) WITH WIFE				
TO WIFE					
55(a)	Supposing that the husband has been working and the wife has been looking after the home. What <u>do you think</u> should happen to the £3,000?	DK	X	X	8
	All to husband	A	M		1
	All to wife	B	N		2
	In proportion to earnings	C	O		3
	Half and half	D	P		4
	$\frac{1}{3}$ to wife, $\frac{2}{3}$ to husband	E	Q		5
	$\frac{2}{3}$ to wife, $\frac{1}{3}$ to husband	F	R		6
	Some other arrangement	G	S		7
(b)	REPEAT (a) WITH HUSBAND				
TO HUSBAND					
56(a)	Still talking about the same couple, during the marriage the husband, in addition, inherited £500 from his grandfather. What <u>do you think</u> should happen to the £500?	DK	X	X	8
	All to husband	A	M		1
	All to wife	B	N		2
	In proportion to earnings	C	O		3
	Half and half	D	P		4
	$\frac{1}{3}$ to wife, $\frac{2}{3}$ to husband	E	Q		5
	$\frac{2}{3}$ to wife, $\frac{1}{3}$ to husband	F	R		6
	Some other arrangement	G	S		7
(b)	REPEAT (a) WITH WIFE				
TO WIFE					
57(a)	Again still with the same couple, before the marriage the wife had saved £200, which she still has, what <u>do you think</u> should happen to the £200?	DK	X	X	8
	All to husband	A	M		1
	All to wife	B	N		2
	In proportion to earnings	C	O		3
	Half and half	D	P		4
	$\frac{1}{3}$ to wife, $\frac{2}{3}$ to husband	E	Q		5
	$\frac{2}{3}$ to wife, $\frac{1}{3}$ to husband	F	R		6
	Some other arrangement	G	S		7
(b)	REPEAT (a) WITH HUSBAND				

GO TO Q58

TO ALL - SAVINGS AND ASSETS

58

Married couples may at some stage have some surplus money that they don't need straight away, or they may have some regular method of putting something aside for the future. There are many ways of doing this and sometimes the methods used make a difference, in the legal sense, to the ownership.

Could you tell me if either of you have any savings of the following kinds?

Kinds of savings	(i)		(ii) IF HAS SOME In whose name are the		
	Has some	Has not	Husband's	Wife's	Joint
(a) Post Office Savings book	1	2	3	4	5
(b) Saving certificates	1	2	3	4	5
(c) Premium Bonds	1	2	3	4	5
(d) Trustees Savings Bank	1	2	3	4	5
(e) Co-op. Society	1	2	3	4	5
(f) Building Society	1	2	3	4	5
(g) Bank Deposit account	1	2	3	4	5
(h) Government Save As You Earn	1	2	3	4	5
(i) A/E	1	2	3	4	5
(j)	1	2	3	4	5
59(a) Another method of saving, or investing, is by having unit trusts, property bonds, stocks and shares and so on. Do either of you have any of these?	1	2	3	4	5
(b) Another method of saving for the future is by having life insurance of some kind. Have either of you any life insurance policies?	1	2	3	4	5
(c) Some people own property, besides that they live in. Do either of you own any other houses, flats or other premises?	1	2	3	4	5
(d) Some people also own businesses or some sort. Do either of you own a business of any kind?	1	2	3	4	5
(e) Is there anything you have, and regard as an investment for the future, which we haven't mentioned? SPECIFY	1	2	3	4	5
	1	2	3	4	5
	1	2	3	4	5
	1	2	3	4	5
	1	2	3	4	5

SEE Q60

TO ALL - SAVINGS AND ASSETS

IF HAS SOME LIFE INSURANCE (SEE Q59(b))

- 60(a) You said you have some life insurance policies, do any of the policies have a premium of £12 or more a year? Yes 1 ... ASK (b)
That is £1 or more a month, or 5/- or more a week? No 2 ... GO TO Q61

IF YES

- (b) How many policies do you have, that have a premium of £12 or more a year? Number
- ASK FOR EACH POLICY
- | | No.1 | No.2 | No.3 | No.4 | No.5 |
|--|------|------|------|------|------|
| (c) Whose name is the policy in? Husband 1 | 1 | 1 | 1 | 1 | 1 |
| Wife 2 | 2 | 2 | 2 | 2 | 2 |
| (d) Whose life is insured? Husband 1 | 1 | 1 | 1 | 1 | 1 |
| Wife 2 | 2 | 2 | 2 | 2 | 2 |
| Other 3 | 3 | 3 | 3 | 3 | 3 |
| (e) What is the period of the policy? | | | | | |
| (f) What is the premium? Monthly | | | | | |
| Annually | | | | | |
| (g) What sort of insurance policy is it? | | | | | |
| ... is it ... (RUNNING PROMPT) | | | | | |
| ... unit trust and life insurance 1 | 1 | 1 | 1 | 1 | 1 |
| ... building society and life insurance 2 | 2 | 2 | 2 | 2 | 2 |
| ... property bonds and life insurance . 3 | 3 | 3 | 3 | 3 | 3 |
| ... endowment linked with mortgage ... 4 | 4 | 4 | 4 | 4 | 4 |
| ... endowment not linked with mortgage 5 | 5 | 5 | 5 | 5 | 5 |
| ... life insurance alone 6 | 6 | 6 | 6 | 6 | 6 |
| ... some other kind (SPECIFY) 7 | 7 | 7 | 7 | 7 | 7 |
| (h) If he wishes, a policy holder can assign the policy to someone else to be the beneficiary on death or maturity. Has this policy been assigned? | | | | | |
| Yes .. 1 | 1 | 1 | 1 | 1 | 1 |
| No .. 2 | 2 | 2 | 2 | 2 | 2 |
| DK ... 3 | 3 | 3 | 3 | 3 | 3 |

- 61(a) INTERVIEWER:- HAVE COUPLE GOT ANY SAVINGS OR ASSETS

Yes 1 ... SEE (b)
No 2 ... GO TO Q62

IF HAVE SOME SAVINGS OR ASSETS

- IF ANY JOINT
- (b) Taking all the savings and assets that are in joint names, that is could you say from looking at this card about how much they are worth today? CODE FROM CARD
HAND CARD 4a SEE (c)
- IF ANY IN HUSBAND'S NAME - TO HUSBAND
- (c) Taking all the savings and assets that are in your name, that is could you say from looking at this card about how much they are worth today? CODE FROM CARD SEE (d)
- IF ANY IN WIFE'S NAME - TO WIFE
- (d) Taking all the savings and assets that are in your name, that is could you say from looking at this card about how much they are worth today? CODE FROM CARD SEE (e)
- (e) Taking all savings and assets together, could you say from looking at this card about how much they are worth today? CODE FROM CARD GO TO Q62

TO ALL - WILLS

Another important aspect of the legal situation is whether or not a person has made a will

		HUSBAND	WIFE	
62	Have you ever made a will?	Yes ... 1 No 2 Q63-70 DNA	Yes ... 1 No 2 Q63-70 DNA	IF BOTH CODE 2 GO TO 071
TO EACH PERSON WHO HAS MADE WILL (1)				
63(a)	How long is it since you made your will? (YRS.)	..... years	..... years	
(b)	What was it that prompted you to make a will at that particular time?			
(c)	Have you ever amended it?	Yes ... 1 No 2	Yes ... 1 No 2	
64(a)	Is this the first will you have made, or have you made previous ones?	First will 1 Made previous ones 2	First will 1 Made previous ones ... 2	
(b)	Did you make your (latest) will through a solicitor or did you make it out yourself?	Through solicitor 3 Self 4	Through solicitor 3 Self 4	GO TO Q69 ASK Q65

TO EACH PERSON WHO HAS A SELF MADE WILL

65 Did you make your will on a printed will form or on an ordinary piece of paper?	HUSBAND		WIFE	
	Will form 1 Ordinary paper 2		Will form 1 Ordinary paper 2	
66(a) Did you ever think about making your will through a solicitor, rather than doing it for yourself?	Thought of it 1 Did not 2		Thought of it 1 Did not 2	
IF THOUGHT OF IT (1) (b) Why did you decide not to make your will through a solicitor?				
67(a) Did you get any advice about how to make your own will?	Got advice .. 3 Did not 4		Got advice .. 3 Did not 4	
IF GOT ADVICE (3) (b) Whom did you get advice from?	Solicitor 1 Other (SPECIFY) ... 2		Solicitor 1 Other (SPECIFY) ... 2	
(c) What advice did you get?				
68(a) Did you have any difficulties with making your will?	Yea 1 No 2		Yea 1 No 2	
IF YES (1) (b) What sorts of difficulties?				

GO TO Q74

TO EACH PERSON WHO HAS MADE WILL THROUGH A SOLICITOR

69(a)	Did you ever think about making out your own will rather than going to a solicitor?	HUSBAND		WIFE	
		Thought of it 1 Did not 2		Thought of it 1 Did not 2	
	IF THOUGHT OF IT (1)				
(b)	Why did you decide not to make your own will?				
70(a)	Did you have any difficulties with making your will?	Yes 3 No 4		Yes 3 No 4	
	IF YES (3)				
(b)	What sorts of difficulties?				

GO TO Q74

TO EACH PERSON WHO HAS NOT MADE A WILL

71	Do you think it is important that people should make wills, or not?	HUSBAND		WIFE	
		Important 1 Not 2		Important 1 Not 2	
72(a)	Do you think you will make a will some day, or not?	Will some day 3 Not 4		Will some day 3 Not 4	
	IF WILL (3)				
(b)	When do you think you will make a will?				
73	If you wanted to make a will how would you set about it?				

GO TO Q74

TO ALL - SURVIVING SPOUSE AND THE WILL

TO HUSBAND

74(a) When a married man makes a will do you think he should be entirely free to distribute his possessions as he wishes, or should he be made, by law, to include his wife in the will?

IF QUALIFIED - PROBE FOR DETAILS

	HUSB.	WIFE
Entirely free	1	1
Should include wife	2	2
Qualified	3	3

HUSBAND WIFE

(b) REPEAT (a) WITH WIFE

TO WIFE

75(a) When a married woman makes a will do you think she should be entirely free to distribute her possessions as she wishes, or should she be made, by law, to include her husband in the will?

IF QUALIFIED PROBE FOR DETAILS

	HUSB.	WIFE
Entirely free	1	1
Should include husband ...	2	2
Qualified	3	3

HUSBAND WIFE

(b) REPEAT (a) WITH HUSBAND

TO HUSBAND

76(a) In some countries the law says that if a will is made, then the surviving spouse must be provided for in it. In other countries there is complete freedom in making the will, but the surviving spouse can ask a court to decide whether some extra provision should be made, if he or she feels unfairly treated under the will. Which do you think is the better system?

Spouse in the will ... 1 1
Through the court ... 2 2

(b) Why do you think that system is better?

HUSBAND WIFE

(c) REPEAT (a) & (b) WITH WIFE

GO TO Q77

TO ALL - SONS AND DAUGHTERS AND THE WILL

TO HUSBAND		HUSB.	WIFE
77(a)	When a father makes a will do you think he should be entirely free to distribute his possessions as he wishes, or should he be made, by law, to include all his sons and daughters in the will?	Entirely free 1 1 Should include sons and daughters 2 2 Qualified 3 3	
IF QUALIFIED PROBE FOR DETAILS			
HUSBAND	WIFE		
(b) REPEAT (a) WITH WIFE			
TO WIFE		HUSB.	WIFE
78(a)	When a mother makes a will do you think she should be entirely free to distribute her possessions as she wishes, or should she be made, by law, to include all her sons and daughters in the will?	Entirely free 1 1 Should include sons and daughters 2 2 Qualified 3 3	
IF QUALIFIED PROBE FOR DETAILS			
HUSBAND	WIFE		
(b) REPEAT (a) WITH HUSBAND			
TO HUSBAND		HUSB.	WIFE
79(a)	In some countries the law says that if a will is made then all sons and daughters <u>must</u> be provided for in it. In other countries, there is complete freedom in making the will, but the sons and daughters can ask a court to decide some extra provision should be made, if they feel unfairly treated under the will. Which do you think is the better system?	Sons and d. in the will 1 1 Through the court 2 2	
(b) Why do you think that system is better?			
HUSBAND	WIFE		
(c) REPEAT (a) & (b) WITH WIFE			

GO TO Q80

TO ALL - TESTACY

- 80 We have been talking about the making of wills, but of course not everyone makes a will.

TO WIFE

- (a) If a person dies without having made a will, do you know what the law says about the distribution of his property?

Knows 1 1
Does not 2 2

- (b) IF KNOWS - What does the law say?

HUSBAND

WIFE

- (c) REPEAT (a) WITH HUSBAND

- 81 We have talked in general terms about what happens if someone dies without having made a will. I would now like to ask each of you what your views are about some particular situations. GIVE CARD 5 TO HUSBAND AND WIFE

HUSB.

WIFE

Would you look at this card. At the top it tells you about a particular situation. At the bottom there are several alternative solutions. When I ask you the questions I would like you to answer by telling me the letter which is beside the solution you choose.

TO HUSBAND

DK 8 8

- (a) A man dies without making a will. The total value of what he owned was about \$5,000. He leaves a wife and three grown-up sons. What do you think should happen to the \$5,000?

All to wife A M 1
All to sons B N 2
Half to wife, half to sons C O 3
 $\frac{1}{2}$ to wife, $\frac{1}{2}$ among sons D P 4
 $\frac{1}{3}$ to wife, $\frac{1}{3}$ among sons E Q 5
Equally shared among 4 F R 6
Some other arrangement G S 7

- (b) REPEAT (a) WITH WIFE

TO WIFE

DK 8 8

- 82(a) If instead of \$5,000, the total value of what the man owned, after death duties, was \$15,000 what do you think should happen to the \$15,000?

All to wife A M 1
All to sons B N 2
Half to wife, half to sons C O 3
 $\frac{1}{2}$ to wife, $\frac{1}{2}$ among sons D P 4
 $\frac{1}{3}$ to wife, $\frac{1}{3}$ among sons E Q 5
Equally shared among 4 F R 6
Some other arrangement G S 7
(SPECIFY)

- (b) REPEAT (a) WITH HUSBAND

GO TO Q83

INTESTACY CONT.

		HUSB.	WIFE	
83	You have told me your view of what should happen. Could you tell me how you think the law would deal with the situation.			
	TO HUSBAND	DK	8	8
(a)	Firstly - if what the man owned was worth £5,000 - what would the law say should happen to it?	All to wife	A	M
		All to sons	B	N
		Half to wife, half to sons	C	O
		$\frac{1}{2}$ to wife, $\frac{1}{2}$ among sons	D	P
		$\frac{1}{3}$ to wife, $\frac{2}{3}$ among sons	E	Q
		Equally shared among 4	F	R
		Some other arrangement	G	S
(b)	REPEAT (a) WITH WIFE			
	TO WIFE	DK	8	8
84(a)	And if what the man owned was worth £15,000 - what would the law say should happen to it?	All to wife	A	M
		All to sons	B	N
		Half to wife, half to sons	C	O
		$\frac{1}{2}$ to wife, $\frac{1}{2}$ among sons	D	P
		$\frac{1}{3}$ to wife, $\frac{2}{3}$ among sons	E	Q
		Equally shared among 4	F	R
		Some other arrangement	G	S
	(SPECIFY)			
(b)	REPEAT (a) WITH HUSBAND			
85	TAKE BACK CARD 5 AND GIVE OUT CARD 6 This card shows another situation.			
	TO HUSBAND	DK	7	7
(a)	A widow has £500 that she inherited from her husband. She has no children, but her mother is alive, and so are her husband's parents. If the widow dies, without a will what do you think should happen to the £500?	All to widows mother	A	M
		All to husband's parents	B	N
		Half to w's mother, half to h's parents	C	O
		$\frac{2}{3}$ to w's mother, $\frac{1}{3}$ to h's parents	D	P
		$\frac{1}{3}$ to w's mother, $\frac{2}{3}$ to h's parents	E	Q
		Some other arrangement	F	R
(b)	REPEAT (a) WITH WIFE			
86	You have told me your view of what should happen. Could you tell me how you think the law would deal with the situation.			
	TO WIFE	DK	7	7
(a)	If the widow dies without a will what would the law say should happen to the £500?	All to widows mother	A	M
		All to husband's parents	B	N
		Half to w's mother, half to h's parents	C	O
		$\frac{2}{3}$ to w's mother, $\frac{1}{3}$ to h's parents	D	P
		$\frac{1}{3}$ to w's mother, $\frac{2}{3}$ to h's parents	E	Q
		Some other arrangement	F	R
(b)	REPEAT (a) WITH HUSBAND			

GO TO Q87

TO ALL - INHERITANCE

		HUSB.	WIFE	
TO HUSBAND				
87(a)	Have you ever acted as executor, or administrator for any one?	Yes 1 No 2	..... 1 2	
(b)	REPEAT (a) WITH WIFE			
TO WIFE				
88(a)	Have you ever been left anything, or received anything when someone's affairs have been settled up?	Received something 3 Not 4	..... 3 4	ASK Q89 GO TO Q90
(b)	REPEAT (a) WITH HUSBAND			
89	IF RECEIVED SOMETHING			
ASK EACH PERSON WHO HAS RECEIVED SOMETHING				
(a)	Was this before your marriage, or during your marriage?	Before marriage 1 During marriage 2 Both 3	..... 1 2 3	
(b)	If you take the things you have been left, altogether, about how much was the total value ...			
	... RUNNING... less than £100	..... 1	..... 1	
	PROMPT more but less than £500	..... 2	..... 2	
	more but less than £1,000	..... 3	..... 3	
	£1,000 but less than £5,000	..... 4	..... 4	
	£5,000 but less than £10,000	..... 5	..... 5	
	£10,000 or more	..... 6	..... 6	
(c)	Was what you were left mostly money or mostly goods?	Mostly money 7 Mostly goods 8	..... 7 8	
(d)	Do you think of what you were left as being part of your own personal belongings, or do you think of it as part of what belongs to you both?	Personal belongings 1 Belongs to both 2 Other (SPECIFY) 3	..... 1 2 3	

GO TO Q90

TO ALL - FAMILY

90	In the legal sense a persons family often includes more than just those who live in the same household, so could I ask you about your family.		HUSB'S FATHER	HUSB'S MOTHER
<u>TO HUSBAND</u>				
(a)	Are your parents still living or not?	Alive 1 1 Dead A A ...		ASK (b)
		<u>IF PARENT IS DEAD (A)</u>		
(b)	Did your _____ have a will or not?	Had will 2 2 Did not 3 3 DK 4 4		
			WIFE'S FATHER	WIFE'S MOTHER
<u>TO WIFE</u>				
91(a)	Are your parents still living or not?	Alive 1 1 Dead A A ...		ASK (b)
		<u>IF PARENT IS DEAD (A)</u>		
(b)	Did your _____ have a will or not?	Had will 2 2 Did not 3 3 DK 4 4		
<u>TO WIFE</u>				
92(a)	How many brothers and sisters did you have altogether?	Number		
(b)	How many are there still alive?	Number alive		
<u>TO HUSBAND</u>				
93(a)	How many brothers and sisters did you have altogether?	Number		
(b)	How many are there still alive?	Number alive		
<u>IF NO EVIDENCE OF CHILDREN</u>				
94(a)	Have you any sons and daughters (of this marriage)?	Yes 1 No 2		ASK (b) SEE Q95
<u>IF KNOW THERE ARE SOME CHILDREN RING (1) - Ask (b)</u>				
(b)	How many sons and daughters have you had including any that don't live here?	Number		
(c)	How many are there still alive?	Number alive		
<u>CHILDREN STILL ALIVE</u>				
(d)	What were their ages last birthday?	1 2 3 4 5 6		

PREVIOUS MARRIAGES - CHECK Q3 - IF NONE GO TO Q99

TO HUSBAND - IF HE HAS BEEN MARRIED BEFORE - Q3 Code 2 or 4

95(a) Have you any other sons and daughters (from a previous marriage)? DNA X SEE Q97
Yes 1 ASK (b)
No 2 GO TO Q96

(b) How many other sons and daughters have you had? Number

(c) How many are there still alive? Number alive
CHILDREN STILL ALIVE

	1	2	3	4	5	6
(d) What were their ages last birthday?						

96(a) How many times had you been married before? Number

ASK FOR EACH PREVIOUS MARRIAGE

	First marriage	Second marriage	Third marriage
(b) What year did the marriage begin?			
(c) What year did the marriage end?			
(d) How did the marriage end?	Div. 1	1	1
PROMPT	Sep. 2	2	2
	Death 3	3	3

SEE Q97

TO WIFE - IF SHE HAS BEEN MARRIED BEFORE - Q3 Code 3 or 4

97(a) Have you any other sons and daughters (from a previous marriage)? DNA X GO TO Q99
Yes 1 ASK (b)
No 2 GO TO Q98

(b) How many other sons and daughters have you had? Number

(c) How many are there still alive? Number alive
CHILDREN STILL ALIVE

	1	2	3	4	5	6
(d) What were their ages last birthday?						

98(a) How many times had you been married before? Number

ASK FOR EACH PREVIOUS MARRIAGE

	First marriage	Second marriage	Third marriage
(b) What year did the marriage begin?			
(c) What year did the marriage end?			
(d) How did the marriage end?	Div. 1	1	1
PROMPT	Sep. 2	2	2
	Death 3	3	3

GO TO Q99

TO ALL - OTHER COUNTRIES

		HUSB.	WIFE
99	The laws of Scotland, Ireland and other countries are sometimes different from those in England and Wales, so people who have lived in other countries have often been used to different laws.		
TO HUSBAND			
(a)	Have you ever lived in Scotland, for as long as two years?	Yes 1 No 2	1 2
(b)	REPEAT (a) WITH WIFE		
TO WIFE			
100(a)	Have you ever lived in Ireland, for as long as two years?	N. Ireland 1 S. Ireland 2 Both 3 Neither 4	1 2 3 4
(b)	REPEAT (a) WITH HUSBAND		
TO HUSBAND			
101(a)	Have you ever lived in any other country, for as long as two years?	Yes 1 No 2	1 2
IF YES			
(b)	Which other countries have you lived in?		
	HUSBAND		
	WIFE		
(c)	REPEAT (a) WITH WIFE		

ASK (b)
GO TO Q102

TO ALL		CLASSIFICATION		H	W
102(a)	Date of birth	(b) How old were you when you left school, or finished your full-time education?	14 yrs or less 15 yrs 16 yrs 17 yrs 18 yrs or more Not finished	1 2 3 4 5 6	1 2 3 4 5 6
	Husband				
	Wife				
TO HUSBAND					
103(a)	What is (was) your occupation?				
	Occupation				
	Industry				
TO WIFE					
104(a)	Some people have a main occupation from which they retire early, and then take another job. If you continue to do your present job until you stop working will you consider it to have been your main occupation or not?				
	Main 1 Not 2				
(b)	IF NOT What was your main occupation?				
	Occupation				
	Industry				

GO TO Q105
ASK (b)

TO ALL - FINAL PAGE

105	INCOME		
	<u>IF WIFE NOT EMPLOYED (P8, Q25(b))</u>		
(a)	TO HUSBAND Could you look at this card and show me what group <u>your</u> gross income was, from all sources, over the last year? HAND CARD 7A	SEE INSTRUCTIONS Letter	
	<u>IF WIFE EMPLOYED (P8, Q25(b))</u>		
(b)	TO HUSBAND Could you look at this card and show me what group <u>your</u> gross income was, from all sources, over the last year? HAND CARD 7A	SEE INSTRUCTIONS Letter	
(c)	TO WIFE Could you look at this card and show me what group <u>your</u> gross income was, from all sources, over the last year? HAND CARD 7A	Letter	
(d)	TO HUSBAND If you take you and your wife's gross income together, what group would it be in for the last year?	Letter	
106	<u>TO ALL</u> Are there any comments that you would like to make about any other aspects of the law and how it affects married people?		
	<u>END INTERVIEW</u>		
107	<u>INTERVIEWER:</u> Whom did you interview?	Husband only 1 Wife only 2 Both 3	
	IF HUSBAND ONLY OR WIFE ONLY GIVE REASONS		

SS 475 Matrimonial Property
Formerly married persons

Area	Address	Unit

Male	1
Female	2

Interviewers' name

..... No Date of interview

INTRODUCTION

1 (a)	Could I just check, are you married, widowed, divorced or separated?	(Single) .....1.... Married .....2.... Widowed .....3.... Divorced .....4.... Separated .....5....	END INT. ASK (b) Go to Q7 P3 Go to Q5 P2 Go to Q2
(b)	<u>IF MARRIED</u> Does your husband (wife) normally live here in this household or is he (she) normally away?	Normally here .....6.... Normally away .....7....	Ask (c) Go to (d)
(c)	<u>IF NORMALLY HERE (6)</u> I would like to talk to you both together - how long will he (she) be away? IF LONGER THAN FIELDWORK INTERVIEW THIS PERSON ON MARRIED COUPLES Q'RE		
(d)	<u>IF NORMALLY AWAY (7)</u> Is your husband (wife) normally away because you have parted or because other circumstances prevent you from being together?	Parted .....8.... Other circumstances .....9....	Go to Q2 Ask (e)
(e)	<u>OTHER CIRCUMSTANCES (9)</u> What are the circumstances? INTERVIEW THIS PERSON ON MARRIED COUPLE Q'RE		

IF SEPARATED OR PARTED			
2 (a)	Have you been through a court to establish your separation or not?	Been through court .....A Not .....1	Ask (b) Go to Q3
IF BEEN THROUGH COURT (A)			
(b)	Was this a magistrates court or was it a higher court with a judge?	Magistrate .....2 Higher court .....B	Go to Q4 Ask (c)
IF HIGHER COURT (B)			
(a)	Did you get what is called a decree of judicial separation or not?	Decree .....4 Not .....3	Go to Q4 Go to Q4
IF NOT BEEN THROUGH COURT (1)			
3 (a)	Are you planning to go through a court to establish your separation or not?	Planning court .....C Not .....1	Ask (b) Go to Q4
IF PLANNING COURT (C)			
(b)	Are you planning on going to the magistrates court or to a higher court with a judge?	Magistrate .....2 Higher court .....3	Go to Q4 Go to Q4
4	Have you come to an agreement with your husband (wife) about living arrangements and maintenance or not?	Come to agreement .....1 Not .....2	Go to Q5 Go to Q5
IF SEPARATED, PARTED OR DIVORCED			
5 (a)	How long is it since you and your husband (wife) lived together in the same household? years mths. IF LESS THAN 2 YRS.		
(b)	What year was that?	19 _____	
6 (a)	How long had you been married when you split up? years mths. (LAST TIME SPLIT UP) IF LESS THAN 2 YRS.		
(b)	What was the year of your marriage?	19 _____	
(c)	Had either of you been married before that?	Neither had .....1 Yes, husband had .....2 Yes, wife had .....3 Yes, both had .....4	Go to Q9

IF WIDOWED

7 (a)	How long ago did you lose your husband (wife)? years mths. IF LESS THAN 2 YRS.									
(b)	What year was that?	19 _____								
8 (a)	How long had you been married when your died? years mths. IF LESS THAN 2 YRS.									
(b)	What was the year of your marriage?	19 _____								
(c)	Had either of you been married before that? <table border="0" style="margin-left: 20px;"> <tr> <td>Neither had</td> <td>1</td> </tr> <tr> <td>Yes, husband had</td> <td>2</td> </tr> <tr> <td>Yes, wife had</td> <td>3</td> </tr> <tr> <td>Yes, both had</td> <td>4</td> </tr> </table>	Neither had	1	Yes, husband had	2	Yes, wife had	3	Yes, both had	4	
Neither had	1									
Yes, husband had	2									
Yes, wife had	3									
Yes, both had	4									

Go to Q9

TO ALL

HOME

9	If any questions of law arise for married couples then the home and its contents often play an important part.		
(a)	Before your marriage ended what kind of accommodation were you and your living in, was it a whole house or a flat?	whole house .....1 flat .....2 other (SPECIFY) .....3	
(b)	Did either of you rent the house (flat), did you own it, were you buying it, or was it someone else's responsibility?	Rent .....1 Rent free .....2 Own .....3 Buying .....4 Someone else's responsibility .....5	Ask Q10 Ask Q10 Go to Q12 Go to Q12 Go to Q13
<u>IF RENTED OR RENT FREE</u>			
10(a)	Did you rent the house (flat) furnished or unfurnished?	Furnished .....1 Unfurnished .....2	
(b)	Did you rent it from ...RUNNING... PROMPT	An employer .....1 the local authority .....2 a relative .....3 or some other landlord .....4	
11	In whose name was the house (flat) rented?	Husband's .....1 Wife's .....2 Joint .....3	
<u>IF OWNS/BUYING</u>			
12(a)	Was the house (flat) freehold or leasehold?	Freehold .....1 Leasehold .....2	
(b)	Whose name was the house (flat) in?	Husband .....1 Wife .....2 Joint .....3 Other (SPECIFY) .....4	
<u>IF SOMEONE ELSE'S RESPONSIBILITY</u>			
13(a)	Who was responsible for the house (flat)?	Relative .....1 Friend .....2 Other (SPECIFY) .....3	
(b)	Did you pay a contribution towards the accommodation or not?	Payed contribution .....4 Did not .....5	FEMALES GO TO Q14 P5 MALES GO TO Q17 P6

TO FEMALES

EMPLOYMENT

14	Wives who have been employed at some stage during their marriage and those who have not are sometimes treated differently by the law.		
(a)	From the time of your marriage to the time your husband died (your marriage broke down) were you in paid employment at all?	Yes .....1 No paid employ .....2	Ask (b) Go to Q15
<u>IF EMPLOYED DURING MARRIAGE</u>			
(b)	You said you were married for about years, (Q5(a) or Q8(a)) about how many years of this time were you in paid employment?		
(c)	Was this mainly full-time or mainly part-time employment?	Mainly full-time .....1 Mainly part-time .....2	
(d)	During your marriage, what kind of employment were you in? ...RUNNING ... mainly self employed, including in partnership with your husband .....1... PROMPT mainly working for a self employed husband .....B... mainly working for someone else, that is as an employee .....4....		Go to Q16 Ask (e) Go to Q16
<u>IF MAINLY WORKING FOR HUSBAND (B)</u>			
(e)	Were you paid regular earnings, or did your work count as a contribution to the business	regular earnings .....2 contribution to business .....3	Go to Q16 Go to Q16
<u>IF NO PAID EMPLOYMENT DURING MARRIAGE</u>			
15(a)	If her husband is self-employed, a wife may work in his business. Did you ever do this?	Yes .....B No .....1	Ask (b) Go to Q16
<u>IF YES(B)</u>			
(b)	Were you paid regular earnings, or did your work count as a contribution to the business?	Regular earnings .....2 Contribution to business .....3	
<u>TO ALL FEMALES</u>			
16(a)	Have you been in paid employment since your husband died (the breakdown of your marriage)?	Yes .....A No paid employment .....1	Ask (b) Go to Q20
<u>IF BEEN EMPLOYED SINCE</u>			
(b)	Are you in paid employment now? (ANY NUMBER OF HOURS)	In paid employment now .....3 Has been but not now .....2	Go to Q20 Go to Q20

TO MALES

EMPLOYMENT

17	Whether or not a wife has been in paid employment during her married life can affect the way that she and her husband arrange their affairs. It can also affect the legal situation sometimes.			
(a)	From the time of your marriage to the time your wife died (your marriage broke down) was your wife in paid employment at all?	Was employed .....1 Not .....2		Ask (b) (c) Go to Q18
<u>IF WIFE EMPLOYED DURING MARRIAGE (1)</u>				
(b)	You said you were married for about years, (Q6(a) or Q8(a)) about how many years of this time was your wife in paid employment?			
(c)	Was this mainly full-time or mainly part-time employment?	Mainly full-time .....1 Mainly part-time .....2		Ask Q18 Ask Q18
18(a)	Are you in paid employment now?	Employed .....1 Not .....A		Go to Q19 Ask (b) (c)
<u>IF NOT IN PAID EMPLOYMENT (A)</u>				
(b)	Have you retired or are you not in paid employment for some other reason?	Retired .....2 Other reason .....3		Ask (c) Ask (c)
(c)	Were you ever self-employed?	Been self-employed .....8 Not .....9		Go to Q19(b) Go to Q20
19(a)	Have you ever been self-employed?	Been self-employed .....1 Not .....2		Ask (b) Go to Q20
<u>IF EVER BEEN SELF-EMPLOYED</u>				
(b)	If her husband is self-employed, a wife may work in the business. Did your wife ever do this?	Yes .....B No .....1		Ask (c) Go to Q20
<u>IF YES</u>				
(c)	Was she paid regular earnings, or did her work count as a contribution to the business?	Regular earnings .....2 Contribution to business .....3		Go to Q20 Go to Q20

TO ALL

BANK ACCOUNTS

- 20 Sometimes the legal situation and how couples arrange their affairs may be affected by whether or not they have a bank account
- (a) During your marriage did either you or your have a current bank account, (that is one with a cheque book)?
- Had current account1
Did not2
- INCLUDE GIRO OR
TRUSTEES SAVINGS BANK IF
USED WITH CHEQUE BOOK

Ask (b)
See Q21

IF HAD CURRENT ACCOUNT (1)

- (b) How many current accounts did you have altogether?

Number _____

- (c) FOR EACH ACCOUNT
- | | No.1 | No.2 | No.3 | No.4 |
|--------------------------------|------|------|------|------|
| Whose name was the account in? | | | | |
| Husband | 5 | 5 | 5 | 5 |
| Wife | 6 | 6 | 6 | 6 |
| Joint | 7 | 7 | 7 | 7 |

See Q21

TO FEMALES

- 21 Some wives like to know about money matters affecting them and their husbands, while others prefer to leave such things to their husbands. Did you like to know about money matters, or did you prefer to leave such things to your husband.
- Liked to know1
Left to husband2

TO ALL

- 22 All married couples have to meet regular outgoings like food bills, other bills, rates, rent, mortgage and so on. Different people organise these things in different ways and I should like to ask about your views on a general situation

- (a) If a husband gives his wife regular housekeeping money and she saves out of it, who do you think the savings should belong to
- .. the wife1
.. the husband2
.. or half to each?3
- RUNNING
PROMPT

- (b) Do you know what the legal position is with regard to savings out of housekeeping?
- Yes4
No4

Ask (c)

IF YES (A)

- (c) To whom does the law say the savings belong
- .. the wife1
.. the husband2
.. or half to each?3
- RUNNING
PROMPT

MALES
Go to Q27
FEMALES
Go to Q23

23	There are a lot of ways in which a wife can make a contribution towards the large items of expenditure which arise during married life. Some of these are on this card. HAND CARD 2 INTERVIEWER READ OUT PRECODES		
<u>IF OWNED/BUYING HOUSE (CHECK BACK Q 9)</u>			
(a)	We talked earlier about the house (flat) you and your husband had. Did you contribute in any way towards this house or any previous houses that you had?	Yes .....A No .....6	Ask (b) Go to Q24
<u>IF YES</u> CODE ALL THAT APPLY			
(b)	Could you tell me, from the card, any ways in which you contributed to the house?	Money earned during marriage .....1 Savings from before marriage .....2 Using gifts of money received .....3 Using any inheritance received .....4 Your effort in running the home .....5	
24(a)	Did you or your husband ever own a car?	Owned car .....1 Did not .....2	Ask (b) Go to Q25
<u>IF OWNED CAR</u>			
(b)	Did you contribute in any way towards any of the cars you had?	Yes .....A No .....6	Ask (c) Go to Q25
<u>IF YES (A)</u> CODE ALL THAT APPLY			
(c)	Could you tell me from the card, any ways in which you contributed to the cars?	Money earned during marriage .....1 Savings from before marriage .....2 Using gifts of money received .....3 Using any inheritance received .....4 Your effort in running the home .....5	
25(a)	Did you contribute in any way towards the furniture?	Yes .....A No .....6	Ask (b) Go to Q26
<u>IF YES (A)</u> CODE ALL THAT APPLY			
(b)	Could you tell me from the card, any ways in which you contributed to the furniture?	Money earned during marriage .....1 Savings from before marriage .....2 Using gifts of money received .....3 Using any inheritance received .....4 Your effort in running the home .....5	
26(a)	Are there any other big expenses you contributed towards?	Yes .....1 No .....2	Ask (b) Go to Q27
<u>IF YES (1)</u>			
(b)	What kind of expenses?		Go to Q27

TO ALL - THE JOINTLY OWNED HOME

27 I should like to ask you your views about a more general situation

- (a) Some people say that the home and its contents should legally be jointly owned by the husband and the wife, irrespective of who paid for it. Do you agree or disagree with that?

Agree1
Disagree2

Go to Q28
Ask (b)

- (b) IF DISAGREE

Why do you disagree?

- 28(a) Again thinking generally, some people say that if a wife had some money of her own, and the husband failed to keep up the payments for the joint home, then the wife should be legally responsible for continuing the payments. Do you agree or disagree with that?

Agree1
Disagree2
Depends3

- (b) Why do you agree (disagree)? (What does it depend on?)

Go to Q29

Generally speaking, in everyday life, the legal position about ownership is unimportant. It is only in the unfortunate circumstances of breakdown of marriage, or death, that the law does become important. Although this particular situation may not have affected you we would like to know what views you have about some of the kinds of situation which do have to be sorted out.

GIVE CARD 3W

Would you look at this card. At the top it tells you about a particular situation. At the bottom there are several alternative solutions. When I ask you the questions I would like you to answer by telling me the Letter which is beside the solution you choose.

CARD 3

A married couple with no children, acquire during their marriage, a house on mortgage, the furniture, a car, and some savings, - altogether worth about £3,000. Then, by mutual agreement, they decide to separate, and some financial arrangement has to be made.

- | | | |
|----|--|--|
| 29 | Supposing that both the husband and the wife have been earning during the marriage. What do you think should happen to the £3,000? (Can you tell me from the letter on the card) | D.K.X.....8
All to husbandM.....1
All to wifeN.....2
In proportion to earningsO.....3
Half and HalfP.....4
$\frac{1}{2}$ to wife, $\frac{1}{2}$ to husbandQ.....5
$\frac{2}{3}$ to wife, $\frac{1}{3}$ to husbandR.....6
Some other arrangementS.....7 |
| 30 | Supposing that the husband has been working and the wife has been looking after the home. What do you think should happen to the £3,000? | D.K.X.....8
All to husbandM.....1
All to wifeN.....2
In proportion to earningsO.....3
Half and halfP.....4
$\frac{1}{2}$ to wife, $\frac{1}{2}$ to husbandQ.....5
$\frac{2}{3}$ to wife, $\frac{1}{3}$ to husbandR.....6
Some other arrangementS.....7 |
| | Still talking about the same couple, during the marriage the husband, in addition, inherited £500 from his grandfather. What do you think should happen to the £500? | D.K.X.....8
All to husbandM.....1
All to wifeN.....2
In proportion to earningsO.....3
Half and halfP.....4
$\frac{1}{2}$ to wife, $\frac{1}{2}$ to husbandQ.....5
$\frac{2}{3}$ to wife, $\frac{1}{3}$ to husbandR.....6
Some other arrangementS.....7 |
| 32 | Again still with the same couple, before the marriage the wife had saved £200, which she still has, what do you think should happen to the £200? | D.K.X.....8
All to husbandM.....1
All to wifeN.....2
In proportion to earningsO.....3
Half and halfP.....4
$\frac{1}{2}$ to wife, $\frac{1}{2}$ to husbandQ.....5
$\frac{2}{3}$ to wife, $\frac{1}{3}$ to husbandR.....6
Some other arrangementS.....7 |

PARTED SEP.
OR DIV.
GO TO Q33
WIDOWED
GO TO Q37

TO ALL THOSE WHO ARE PARTED, SEPARATED OR DIVORCED

33	One of the new matrimonial laws says that when the home is in the name of one of the married couple only, the other can register a right of occupation so that the accommodation cannot be disposed of without the occupying spouse's interests being taken into account.	Yes .....A No .....1	Ask (b) Go to Q34
(a)	Did you know that this is now the law?		
IF YES (A)			
(b)	How did you hear of it?		
34	After the breakdown of your marriage did you continue to live in the same accommodation or did you move?	Stayed .....1 Moved .....2	
35	After the breakdown of your marriage what arrangements were made about your home and its contents?		
36	(After the breakdown of your marriage) what arrangements were made about any other possessions you acquired during your marriage?		

Go to Q44
P14

TO ALL THOSE WHO ARE WIDOWED

37	(I should like to ask you a few questions about the legal situation when your husband (wife) died)		
(a)	When your husband (wife) died, had he (she) made a will, or not?	Made will .....A Had not .....1	Ask (b) Go to Q38
	IF MADE WILL(A)		
(b)	Did your husband (wife) make the will through a solicitor, or did he (she) make it out himself (herself)?	Through solicitor .....2 Self .....B	Go to Q39 Ask (c)
	IF SELF (B)		
(c)	Did he (she) make the will on a printed will form or on an ordinary sheet of paper?	Will form .....3 Ordinary paper .....4	
38	After his (her) death, was the administration of his (her) affairs carried out by you, by a close friend, by a solicitor or by someone else?	You (Me) .....1 Close friend .....2 Solicitor .....3 Someone else .....4 (SPECIFY)	
39	How long did it take to clear up his (her) affairs (from the time of his (her) death)?	.....
40	What was the approximate value of all that your husband (wife) left?	.... less than £100 .....1 More but less than £500 .....2 More but less than £1,000 .....3 More but less than £5,000 .....4 More but less than £10,000 .....5 £10,000 or more .....6 D.K. ....7 Other answers (SPECIFY) .....B	
41	<u>FEMALES ONLY</u>		See Q41
	How did you manage financially between the time your husband died and when his affairs were finally sorted out?		

TO ALL THOSE WHO ARE WIDOWED

42(a)	Were there any difficulties in getting your husband's (wife's) affairs settled?	Yes .....1	Ask (b) Go to Q43
		No .....2	

(b) IF YES (1)

What sort of difficulties?

43 After the death of your husband (wife), what happened to your home and its contents?

Go to Q44

TO ALL - WILLS

(Another important aspect of the legal situation is whether or not a person has made a will).

44 Have you ever made a will

Yes1
No2

Ask Q45
Go to Q53
P16

IF HAS MADE WILL (1)

45(a) How long is it
since you made
your will? (YEARS) years

(b) What was it that
prompted you to
make a will at
that particular
time?

(c) Have you ever
amended it?

Yes1
No2

46(a) Is this the first
will you have
made, or have
you made previous
ones?

First will1
Made previous ones2

(b) Did you make your (latest)
will through a solicitor
or did you make it out
yourself?

Through Solicitor3
Self4

Go to Q51
P16
Ask Q47

IF SELF-MADE WILL

47	Did you make your will on a printed will form or on an ordinary piece of paper?	Will form .....5 Ordinary paper .....6	
----	---	---	--

48(a)	Did you ever think about making your will through a solicitor, rather than doing it for yourself?	Thought of it .....1 Did not2	
-------	---	--	--

IF THOUGHT OF IT (1)

(b)	Why did you decide not to make your will through a solicitor?		
-----	---	--	--

49(a)	Did you get any advice about how to make your own will?	Got advice .....3 Did not .....4	
-------	---	-------------------------------------	--

Ask (b)
Go to Q50

IF GOT ADVICE (3)

(b)	Whom did you get advice from?	Solicitor .....1 Other (SPECIFY) .....2	
-----	-------------------------------	--	--

(c)	What advice did you get?		
-----	--------------------------	--	--

50(a)	Did you have any difficulties with making your will?	Yes .....1 No .....2	
-------	--	-------------------------	--

Ask (b)
Go to Q56
P17

IF YES(1)

(b)	What sorts of difficulties?		
-----	-----------------------------	--	--

Go to Q56
P17

IF HAS MADE WILL THROUGH A SOLICITOR

51(a) Did you ever think about making out your own will rather than going to a solicitor?

Thought of it1
Did not2

Ask (b)
Go to Q52

IF THOUGHT OF IT (1)

(b) Why did you decide not to make your own will?

52(a) Did you have any difficulties with making your will?

Yes3
No4

Ask (b)
Go to Q56

IF YES (3)

(b) What sorts of difficulties?

Go to Q56

IF HAS NOT MADE A WILL

53 Do you think it is important that people should make wills, or not?

Important1
Not2

54(a) Do you think you will make a will some day, or not?

Will some day3
Not4

Ask (b)
Go to Q56

IF WILL (3)

(b) When do you think you will make a will?

55 If you wanted to make a will how would you set about it?

Go to Q56

TO ALL - SURVIVING SPOUSE AND THE WILL

56	When a married man makes a will do you think he should be entirely free to distribute his possessions as he wishes, or should he be made, by law, to include his wife in the will? IF QUALIFIED - PROBE FOR DETAILS	Entirely free .....1 Should include wife .....2 Qualified .....3
57	When a married woman makes a will do you think she should be entirely free to distribute her possessions as she wishes, or should she be made, by law, to include her husband in the will?	Entirely free .....1 Should include husband .....2 Qualified .....3 IF QUALIFIED PROBE FOR DETAILS
58(a)	In some countries the law says that if a will is made, then the surviving spouse <u>must</u> be provided for in it. In other countries there is complete freedom in making the will, but the surviving spouse can ask a court to decide whether some extra provision should be made, if he or she feels unfairly treated under the will. Which do you think is the better system?	Spouse in the will .....1 Through the court .....2
(b)	Why do you think that system is better?	

TO ALL - SONS AND DAUGHTERS AND THE WILL

59	<p>When a father makes a will do you think he should be entirely free to distribute his possessions as he wishes, or should he be made, by law, to include all his sons and daughters in the will? IF QUALIFIED PROBE FOR DETAILS</p>	<p>Entirely free .....1 Should include sons and daughters .....2 Qualified .....3</p>
60	<p>When a mother makes a will do you think she should be entirely free to distribute her possessions as she wishes, or should she be made, by law, to include all her sons and daughters in the will? IF QUALIFIED PROBE FOR DETAILS</p>	<p>Entirely free .....1 Should include sons and daughters .....2 Qualified .....3</p>
61(a)	<p>In some countries the law says that if a will is made then all sons and daughters <u>must</u> be provided for in it. In other countries, there is complete freedom in making the will, but the sons and daughters can ask a court to decide some extra provision should be made, if they feel unfairly treated under the will. Which do you think is the better system?</p>	<p>Sons & daughters in the will .....1 Through the court .....2</p>
(b)	<p>Why do you think that system is better?</p>	

TO ALL - TESTACY

62	We have been talking about the making of wills, but of course not everyone makes a will.		
(a)	If a person dies without having made a will, do you know what the law says about the distribution of his property?	Knows .....1 Does not .....2	Ask (b) Go to Q63
(b)	IF KNOWS - what does the law say?		
63	We have talked in general terms about what happens if someone dies without having made a will. I would now like to ask you what your views are about some particular situations. GIVE CAND 5W		
	Would you look at this card. At the top it tells you about a particular situation. At the bottom there are several alternative solutions. When I ask you the questions I would like you to answer by telling me the <u>letter</u> which is beside the solution you choose.		
	A man dies without making a will. The total value of what he owned was about £5,000. He leaves a wife and three grown-up sons. What <u>do you think</u> should happen to the £5,000?	D.K. ....8 All to wife .....M.....1 All to sons .....N.....2 Half to wife, half to sons .....O.....3 $\frac{2}{3}$ to wife, $\frac{1}{3}$ among sons .....P.....4 $\frac{1}{3}$ to wife, $\frac{2}{3}$ among sons .....Q.....5 Equally shared among 4 .....R.....6 Some other arrangement .....S.....7	
64	If instead of £5,000, the total value of what the man owned, after death duties, was £15,000 what <u>do you think</u> should happen to the £15,000?	D.K. ....8 All to wife .....M.....1 All to sons .....N.....2 Half to wife, half to sons .....O.....3 $\frac{2}{3}$ to wife, $\frac{1}{3}$ among sons .....P.....4 $\frac{1}{3}$ to wife, $\frac{2}{3}$ among sons .....Q.....5 Equally shared among 4 .....R.....6 Some other arrangement .....S.....7 (SPECIFY)	

INTESTACY CONT.

65	You have told me your view of what should happen. Could you tell me how you think the law would deal with the situation.	
	<p>Firstly, if what the man owned was worth £5,000 - what would the law say should happen to it?</p> <p>D.K. ....8 All to wife .....M.....1 All to sons .....N.....2 Half to wife, half to sons .....O.....3 $\frac{2}{3}$ to wife, $\frac{1}{3}$ among sons .....P.....4 $\frac{1}{3}$ to wife, $\frac{2}{3}$ among sons .....Q.....5 Equally shared among 4 .....R.....6 Some other arrangement .....S.....7</p>	
66	And if what the man owned was worth £15,000 - what would the law say should happen to it?	
	<p>D.K. ....8 All to wife .....M.....1 All to sons .....N.....2 Half to wife, half to sons .....O.....3 $\frac{2}{3}$ to wife, $\frac{1}{3}$ among sons .....P.....4 $\frac{1}{3}$ to wife, $\frac{2}{3}$ among sons .....Q.....5 Equally shared among 4 .....R.....6 Some other arrangement .....S.....7 (SPECIFY)</p>	
67	TAKE BACK CARD 5W AND GIVE OUT CARD 6W. This card shows another situation.	
	<p>A widow has £500 that she inherited from her husband. She has no children, but her mother is alive, and so are her husband's parents. If the widow dies without a will what <u>do you think</u> should happen to the £500?</p> <p>D.K. ....7 All to widows mother .....M.....1 All to husband's parents .....N.....2 Half to w's mother, half to h's parents .....O.....3 $\frac{2}{3}$ to w's mother, $\frac{1}{3}$ to h's parents .....P.....4 $\frac{1}{3}$ to w's mother, $\frac{2}{3}$ to h's parents .....Q.....5 Some other arrangement .....R.....6</p>	
68	You have told me your view of what should happen. Could you tell me how you think the law would deal with the situation?	
	<p>If the widow dies without a will what would the law say should happen to the £500?</p> <p>D.K. ....7 All to widows mother .....M.....1 All to husband's parents .....N.....2 Half to w's mother, half to h's parents .....O.....3 $\frac{2}{3}$ to w's mother, $\frac{1}{3}$ to h's parents .....P.....4 $\frac{1}{3}$ to w's mother, $\frac{2}{3}$ to h's parents .....Q.....5 Some other arrangement .....R.....6</p>	

FAMILY

69	In the legal sense a person's family includes more than just those who live in the same household, so could I ask you about your family?	Father	Mother
	Are your parents still living or not?	Alive .....1 Dead .....2	.....1.....2
70	Are your husband's (wife's) parents still living, or not?	Spouse's Father	Spouse's Mother
		Alive .....1 Dead .....2	.....1.....2
71(a)	How many brothers and sisters did you have altogether? Number		
(b)	How many are still alive? Number alive		
72(a)	How many brothers and sisters did your husband (wife) have altogether? Number		
(b)	How many are still alive? Number alive		
73(a)	<u>IF NO EVIDENCE OF CHILDREN</u>		
	Have you had any sons and daughters (of that marriage)?	Yes .....1 No .....2	
	<u>IF KNOW THERE ARE SOME CHILDREN RING (1) - Ask (b)</u>		
(b)	How many sons and daughters have you had, including any who don't live here? Number		
(c)	How many are there still alive Number alive		
(d)	What were their ages last birthday?	1 2 3 4 5 6	

PREVIOUS MARRIAGES - CHECK Q6(c) or Q8(c)

IF NONE GO TO Q76

IF INFORMANT HAS BEEN MARRIED BEFORE

74(a)	Have you any other sons and daughters from a previous marriage?		Yes .....1	No .....2
(b)	How many other sons and daughters have you had? Number			
(c)	How many are there still alive? Number alive			
(d)	What were their ages last birthday	1 2 3 4 5 6		
75(a)	How many times had you been married before? Number			
	ASK FOR EACH PREVIOUS MARRIAGE	First marriage	Second marriage	Third marriage
(b)	What year did the marriage begin? _____			
(c)	What year did the marriage end? _____			
(d)	How did the marriage end? PROMPT	Div. ....1.....1.....1 Sep. ....2.....2.....2 Death ....3.....3.....3		
76	OTHER COUNTRIES			
	The laws of Scotland, Ireland and other countries are sometimes different from those in England and Wales, so people who have lived in other countries have often been used to different laws.			
(a)	Have you ever lived in Scotland, for as long as two years		Yes .....1	No .....2
(b)	Had your husband (wife) ever lived in Scotland for as long as two years?		Yes .....1	No .....2
(c)	Have you ever lived in Ireland, for as long as two years?		N. Ireland .....1 S. Ireland .....2 Both .....3 Neither .....4	
(d)	Had your husband (wife) ever lived in Ireland, for as long as two years?		N. Ireland .....1 S. Ireland .....2 Both .....3 Neither .....4	

OTHER COUNTRIES

- 77(a) Have you ever lived in any other country for as long as two years? Yes 1
No 2

IF YES

- (b) Which other countries have you lived in,

- (c) Had your husband (wife) ever lived in any other country for as long as two years? Yes 1
No 2

IF YES

- (d) Which other countries?

CLASSIFICATION

- 78(a) Date of birth

	Day	Month	Year
Husband			
Wife			

- (b) How old were you when you left school, or finished your full-time education? 14 yrs. or less ... 1 .. 1
15 yrs. 2 .. 2
16 yrs. 3 .. 3
17 yrs. 4 .. 4
18 yrs. or more ... 5 .. 5
Not finished 6 .. 6

TO ALL - ABOUT THE HUSBAND

What is (was) your (your husband's) occupation?

Occupation

.....

Industry

.....

INCOME

SEE

INSTRUCTIONS

- 80 Could you look at this card and show me what group your gross income was, from all sources, over the last year (that is including any contributions made by other people in the household towards expenses).

Letter

- 81 Are there any comments that you would like to make about any other aspects of the law and how it affects married and formerly married people,

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INCOME

SEE
INSTRUCTIONS

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NOTES

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